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**Collapsing the Universal:
Towards a Framework for Understanding the Politics of Difference
in Liberal Democratic States**

Ann-Marie Field

**A Thesis
in
The Department
of
Political Science**

**Presented in Partial Fulfillment of the Requirements
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ABSTRACT

Collapsing the Universal: Towards a Framework for Understanding the Politics of Difference in Liberal Democratic States

Ann-Marie Field

The main focus of this research is to determine how liberal-democratic states can best address issues of substantive equality and social justice in a context of difference. This essay engages in a critical understanding of the link between difference, citizenship, public policy and the state. It explores whether the state is capable of acknowledging "difference". Concluding that the state treats individuals identically, it is suggested that liberal democratic states may be a key component in the marginalization of individuals differing from the norm. Three theoretical reconceptualizations of the state are explored. All three models are attempts to imagine a state capable of recognizing differences and, therefore, offering all of its citizens a sense of inclusion in the polity. This is followed by a discussion on violence, as an extreme example of the marginalization of individuals with particularistic identities. One should conclude from the presented understanding of violence that the state itself is an agent of violence against individuals differing from the norm, for the state allows violence against the Other to continue unchecked, and in certain instances promotes it. The objective of this theoretical endeavor is two fold. First, it will seek to understand how the state itself is an agent for the marginalization of individuals with particularistic identities and of violence against the Other. Secondly, it will suggest possible avenues for further research on solutions towards breaking this cycle of exclusion and violence. The urgency for such research lies in the fact that we are all witnesses to, or victims of, "violence" against the Other; this serves as a reminder that, although we have come a long way in halting certain types human rights violations, social justice has not been achieved in our present liberal-democracies.

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INTRODUCTION

Moving towards the 21st century, one of the greatest challenges to the governance of liberal democratic states, such as Canada, Australia, the United States, and England, is the increasing heterogeneity of the populations on a given territory. Ideas of universal values, of tolerance of differences, of individual rights, and normalization of individual behaviors which are at the core of the modern state system are being challenged by the increasing diversity of the population, questions of group rights, cultural differences, incidents of violence, threats of poverty, issues of redistribution, etc. These modern states are presently confronted by a tension which emerges from the incongruence between the tenets on which they were founded and the heterogeneity of the population they encompass. The dominant theories of these states and of their citizenship rest upon normative principles and political practices predicated on a homogeneous society, while, sociologically, they are composed of individuals with irrefutable, and often opposing, identities (e.g. gender, race, ethnicity, culture, religion, sexual identity, etc.). Since differences are undeniable and increasingly prevalent, these pose a problem to the governance of liberal-democratic states. Thus, the main focus of this essay will be to determine how can liberal-democratic states best address issues of substantive equality and social justice in a context of difference.

The dilemma at the end of this century lies in the fact that modern democracies claim to be inclusive of every individual within the state, when in fact the totalizing discourses of rights and citizenship pay lip service to universalism, reflecting instead the reality of a dominant group. As it will be

explained in the first section, modern liberal-democracies were structured by the bourgeois elite which came to perceive itself as the universal and ruling class. Political concepts, such as those of rights and citizenship, were extended to all from their specific conceptualization, located in an elitist framework, without any modification to their significance. The state is presented as neutral and capable of being an arbitrator between various interests, when in fact the state is normative and therefore representative of a specific group in society.

The legacy of liberal political thought has given rise to the following problem with which society is presently confronted. While the rights discourse has given ascent to public affirmation of differences, tolerance - as understood in the liberal tradition - allows for the articulation of differences uniquely in the private realm. That is to say the individual is trapped in a paradox whereby she is encouraged and given the right to affirm herself as different from the norm for reasons of gender, sexual identity¹, religion, race, ethnicity, etc., while simultaneously being denied equal treatment by the state as a result of that difference. Thus, this essay will start by defining the limits of liberalism. It will examine how the state deals with the challenges which result from an increasingly diverse population and question whether the state itself is an agent of politics contributing to the marginalization of specific groups.

¹Sexual identity, as opposed to sexual orientation, is used throughout this research to indicate that one does not easily relinquish one identity for another, e.g. lesbianism for heterosexuality. The concept of identity is rather firm, while orientation is a more fluid term. See Michèle Caron, "Variations sur le Thème de l'Invisibilisation", Canadian Journal of Women and the Law 7, 2 (1994): 271-285. This will be discussed further in section II of this research.

The issues around particularities in identity are considered in the second chapter. Questions as to why identity is treated as a private issue, how liberalism avoids the problem of difference, and how identity can be conceptualized will all be examined. To come to a full understanding of how the state deals with the Other, the dynamics around identity need to be understood and explained. It is therefore necessary to investigate how individuals take on identities and how labels are ascribed to individuals, as well as explore the consequences surrounding this dynamic process. The latter will be achieved through a focus on the problematization of the category "woman" in the feminist discourse and also through the shift from lesbian and gay politics to queer politics and theory. In other words, the concept of identity will be problematized, leading to the understanding of a politics of difference.

Since it will be suggested throughout this essay that differences need to be recognized in order to achieve a model of polity which grants to all equality and social justice, and that in fact the purpose of this paper is to develop a framework for understanding the politics of difference in liberal democratic states, it becomes necessary to explore various theoretical models which may be conducive to this end. Chapter 3 is a discussion on the reconceptualization of the polity. It examines the struggle between the concepts of universalism and particularism as understood through different theoretical lenses. The aim is to provide certain guidelines to be considered in any reconceptualization of the polity. However, since theoretical models may be limited in their applications, the fourth chapter engages in a discussion on more practical considerations. Through the use of violence as an example of

marginalization, the fourth chapter focuses on the link between identity, state and public policy.

Violence in the public sphere against the Other (individuals with particularistic identities - e.g. gender, race, ethnicity, sexual identities and religion) is a manifestation of the problem that poses difference to liberal-democracies. Violence against the Other is evidence of power struggles within the state, which serve to define who is a full member and who is excluded or marginalized by it by the state, its institutions, or other citizens. The study of violence against the Other can contribute significantly to the understanding of how liberal democratic states deal, if at all, with difference. This analysis will culminate in a better comprehension of the intersection between public policy, citizenship, and the state and consequently pave the way towards a framework for understanding how the state needs to be reconceptualized to provide its citizens social justice.

Violence, although only one of the numerous examples which could have been chosen here to depict the marginalization of individuals with particularistic identities, will be presented as an extreme form of the marginalization of individuals with particularistic identities. It will be argued that this marginalization, although enacted by individual actors, is rooted in normative systems supported, perpetuated and reinforced by the state, although not uniquely by it. The term violence will refer simultaneously to two interconnected interpretations. First, and more traditionally, it will specifically refer to hate crimes. Hate crimes are defined as "an act or attempted act in which the actor (or actors) is motivated to do psychological or physical harm to another, where the Other is perceived as a

group representative or is identified with a group, and where the motivation for the act is group prejudice."² Violence against individuals targeted on the basis of their gender, race or sexual identity is a hate crime, whether the primary motivation of the perpetrator is hate or not, for the harm inflicted reinforces the cultural or normative systems, such as sexism, racism and heterosexism which are at the source of prejudices at play in that specific act of violence.

The second interpretation is a metaphor for violence; its conceptualization differs from what would usually be considered in a limited or more traditional definition. It will be suggested that sexism, racism and heterosexism are institutionalized forms of violence. As it will be explained, through laws and the administration of the criminal justice system, the state upholds values that perpetuate sexism, racism and heterosexism, and that simultaneously condone the marginalization of individuals differing from the norm. Consequently, the state's action (or inaction) send a message to the perpetrators indicating that they can engage in activities such as hate crimes, for the criminal justice system and law enforcement personnel will not punish them.

Moreover, not only do hate crimes go unpunished (if at all acknowledged), the state also endorses and enacts a secondary type of victimization (e.g. harassment by police of racial groups, trivialization of violence in case of rape, refraining from law enforcement duties when lesbians or gays are victimized, etc.). The apparent dismissal and trivialization by the state of the

²Howard J. Ehrlick, "The Ecology of Anti-Gay Violence", Hate Crimes: Confronting Violence Against Lesbians and Gay Men (eds. Gregory M. Herek and Kevin T. Berrill, Newbury Park, Ca: Sage Publications, 1992), p.107.

violence against specifically targeted groups gives rise to an environment in which individual victims feel they do not have recourse to state institutions for redress for these hate crimes. As a result of fear of persecution by the police force, the criminal justice system in general, and the public which may be made aware of specific cases (e.g. this includes employers, landlords, family and friends, all of whom may in turn engage in discrimination towards the victim), victims of hate crimes for the most part do not report these acts of violence. Consequently, as it will be suggested, one should conclude from this understanding of violence that the state itself is an agent of violence against individuals differing from the norm, for the state allows violence against the Other to continue unchecked, and in certain instances promotes it.

The section on violence is not intended to document specific cases. Most of the information used in that section is based upon analyses of empirical data (and understanding of the causes for the lack of empirical data), but does not consist itself of a case study. There are two intentions to that chapter. The first is to explain how marginalization is a form of violence; and the second is to illustrate how this violence is normalized and reinforced by the state and its institutions. Altogether, the aim is to convey the need for more research on this subject and provide directions for that research.

The fourth chapter ends by linking the findings of the theoretical survey (chapter 3) with the issue of violence. As a way to move towards an understanding of social justice in the context of difference, it will seek to outline how the theoretical models inform the case of violence against individuals with particularistic identities. It will be suggested that if changes in the level of violence against Other are to become possible, reforms need to

be articulated in at least the following three main areas. First, it is mandatory that legislation condoning victimization of individuals with particularistic identities be eliminated. Secondly, changes in the administration and operation of the criminal justice system are needed; policies and actions sending a message that such victimization will not be tolerated and certainly punished, are necessary. Finally, community education to familiarize society with the heterogeneity of the various segments of the population is needed to promote the understanding of differences leading eventually to their respect. Unless changes are formulated through a multifront approach, no real difference in the rate of hate crimes will occur. Legislation, the criminal justice system, and lack of understanding of differences are interconnected contributors to the marginalization. Unless all three are addressed simultaneously hate crimes and other forms of violence resulting in the marginalization of individuals with particularistic identities will continue unabated.

Overall, this essay engages in a critical understanding of the link between violence geared towards individuals with particularistic identities and the state's response to it. The aim is not to come to terms with violence but rather to explore whether the state is capable of acknowledging "difference", and as a result, determine how a liberal democratic state may be a key component in the toleration of this violence. The objective of this theoretical endeavor is two fold. First, it will seek to understand how the state itself is an agent of violence against the Other. Secondly, it will suggest possible avenues for further research on solutions towards breaking this cycle of violence. The urgency for such research lies in the fact that we are all witnesses to, or victims of, "violence" against the Other; this paper serves as reminder that,

although we have come a long way in halting certain types human rights violations, social justice has not been achieved in our present liberal-democracies.

I. FRAMING A THEORETICAL QUESTION: LIBERALISM UNDER SCRUTINY

The aim of this first section is to come to terms with the failure of liberal-democratic states to positively acknowledge the identity differences³ of their heterogeneous constituencies. Despite the fact that universal suffrage is available and that citizenship grants to all a common identity which transcends particularities and differences⁴, it seems that a dominant group in society remains the principal beneficiary, or is most favoured, by policies, rights, and political institutions. Thus, although the states with which this research is concerned uphold beliefs of multicultural harmony, ethnic tolerance, gender neutrality, and the invisibleness of other differences, actual indifference to particularities in identities is at the root of their present political dilemmas. In other words, liberal-democratic states are creating their own challenges by advocating principles of equality and inclusiveness which they are unable, in reality, to uphold.

Struggles for court diversion programs targeting black youths, demands for same-sex marriages, defense against murder charges based on the premise of the battered-woman syndrome, and Charter cases for state-funded religious schooling, are a few examples of the demands for recognition made to the state by groups with particularistic identities. As this small sample illustrates, issues of difference in heterogeneous societies have increasingly been at the forefront of concerns, especially in terms of public policy. As a result of these escalating pressures upon the governance of liberal-democratic states,

³The following section on identity will clearly explain what is meant by positive acknowledgment, for the latter will be contrasted with simple toleration of differences.

⁴Iris Marion Young, "Polity and Group Difference: A Critique of the Ideal Universal Citizenship", *Ethics*, 99 (January 1989): 251.

examining how liberalism deals with equality in a context of difference has become a pressing and important issue. Several questions come to mind: How can liberalism claim to include everyone in the state? Does it do so through pretenses of universalism which force certain individuals to forgo their identities; or does it accommodate differences by recognizing the various needs and interests of the Other? Since it engages in the former, one may ask whether the problem is with liberalism *per se* or is it with the conception of justice put forth by these states? Moreover, does the state address the realities of a heterogeneous population or is it configured upon the assumption of a homogeneous population? Have documents conducive to the assertion of differences, such as the Canadian *Charter of Rights and Freedoms*, provided a political space for the accommodation of particular identities? In sum, to use the words of Anne Phillips, "how are democracies to deal with divisions by gender or ethnicity or religion or race, and the way these impinge on political equality?... How can democracies deliver on equality while accommodating and indeed welcoming difference?"⁵

This research will focus on understanding "the new historical circumstances" which have emerged from a heterogeneous public; it will attempt to come to terms with "the difficult problems that arise from trying to live with difference"⁶ in states which are founded on principles that originally accommodated fairly homogeneous populations. It will do the latter by first examining how liberal states avoid difference and, secondly, by discussing the problems surrounding the concept of the state as neutral. Overall, this

⁵Anne Phillips, *Democracy and Difference*, (University Park, Penn.: Pennsylvania State University Press, 1993), p.2

⁶Stuart Hall, "Culture, Community, Nation," *Cultural Studies* 7, 3 (1993): 361.

section will attempt to outline how the present understanding of justice is not suitable for the governance of heterogeneous populations.

i) Liberal-democratic states and difference

The present political spaces and structures are defined by concepts developed in the 19th century, at a time when populations were small and homogenous compared to today, and a small elite had a privileged position in structuring these political structures. This creates a situation in which groups that were not historically associated with the nucleus of individuals - who shaped what has become today's abstract political concepts (e.g. citizenship, justice, etc.) - are not included in the state as full members. In fact, it will be argued that even though formal (political) equality is granted to all, individuals who do not correspond to a specific norm remain marginalized. Thus, although "most democracies are now a mosaic of different cultural and ethnic groups," it appears that "the homogenizing myths of country or nation mean that only some of these groups (those which resemble the elite which initially structured the state) will feel they are full members of the political community."⁷ Consequently, at issue is the fact that although liberal-democracies claim to be inclusive of every individual, the state is structured around a given set of norms.

The fact that the concept of citizenship⁸, which was developed by a particular group - white, heterosexual, upper-class, educated men - was applied to all

⁷A. Phillips, Democracy and Difference, p.2.

⁸The traditional essence of citizenship is well captured in the theory outlined by T. H. Marshall on citizenship. Will Kymlicka and Wayne Norman, in their survey of work on citizenship theory, explain Marshall's view. They say that Marshall perceived citizenship as constituted by three categories of rights which evolved over three successive centuries: civil rights, political rights, and social rights. Each expansion of rights was accompanied by an expansion of the class of citizens who benefited from these rights. Referring more specifically

groups without any sort of redefinition, is proof of a certain hegemony. Historiographic works, such as that of Geoff Eley, substantiate this position. Eley contends that in Germany, England, as well as France, the process of defining a liberal public sphere was closely linked to the process of consolidating the bourgeois class. The bourgeois class emerged from a network of clubs and associations which were decidedly not accessible to all. "In this context the underlying principles of bourgeois life - economic, social, moral - were publicly acted out and consciously institutionalized into a model for the other classes, particularly the petty bourgeoisie and the working class, who became the objects of philanthropic support and cultural edification."⁹ Eley concludes that the success of this emergent class is translated in the wide adoption of the bourgeois project as the norm; the bourgeois project was embraced by a broad segment of the population although it reflected the reality of a limited number of individuals in society.¹⁰

Feminist critiques¹¹ also contribute greatly to the understanding of the specificity of the concept of citizenship. The main argument against feminist

to the case of England, it was said that the "civil and political rights that had been restricted to white property-owning Protestant men were gradually extended to women, the working-class, Jews and Catholics, and other previously excluded groups." (p. 354) Thus, for Marshall, the fullest expression of citizenship is the liberal welfare state. Of course, as the survey goes on to explore, Marshall's and other orthodox postwar conceptions of citizenship have come to be highly criticized in the last decade. See Kymlicka and Norman, "Return of the Citizen: a Survey of Recent Work on Citizenship Theory", Ethics 104 (1994): 352-381.

⁹Geoff Eley, "Nations, Publics, and Political Cultures: Placing Habermas in the Nineteenth Century", Habermas and the Public Sphere (ed. Craig Calhoun, Cambridge, MA: MIT press, 1992), p. 299.

¹⁰ibid. See also Nancy Fraser, "Rethinking the Public Sphere: a Contribution to the Critique of Actually Existing Democracy", Habermas and the Public Sphere.

¹¹Pateman engages in a lengthy discussion as to how citizenship is equated with the term 'independence' which refers to three things: the capacity to bear arms, the capacity to own property, and the capacity for self-government. All of these are in men's reach, but denied to women. Please refer to her explanation in: "The Patriarchal Welfare State", Democracy and the Welfare State (ed. Amy Gutmann, Princeton: Princeton University Press, 1988). Please also see other feminist works on that issue which are important critiques of women's absence in the debate on democratic theory: Pateman, The Sexual Contract (Stanford, CA: Stanford

critiques of liberal political thought is that women, as a result of legal reforms and enfranchisement, are civil and political equals to men.¹² Therefore, in the eyes of democratic theorists, feminists cannot contribute to democratic theory for women's needs are assumed to be addressed in the universal concept of citizenship. Such an assumption disregards the specificity of the concept of citizenship, an omission which is central to the wide acceptance of universal citizenship. As feminists have pointed out, democratic theorists usually overlook the different ways women and men were incorporated into the polity; that women were not enfranchised when modern democracies were consolidated (e.g. 1902 in Australia, 1920 in the United States, 1928 in Britain,¹³ and 1929 in Canada) is a fact that is not accounted for. Consequently, as several feminist theorists claim, it is not surprising that women's needs and concerns are not addressed by the abstract concept of citizenship; women were not part of the elite group which had the opportunity to structure the social contract.

As well an important factor omitted by democratic theorists is the sexual division of labor which makes women less than equal to men. As Carole Pateman points out, democratic theorists (such as T. H. Marshall) "treat the public world of paid employment and citizenship as if it can be divorced from

University Press, 1988), and The Disorder of Women: Democracy, Feminism, and Political Theory (Stanford, CA: Stanford University Press, 1989); or Zillah Eisenstein, Capitalist Patriarchy and the Case for Socialist Feminism (New York: Monthly Review Press, 1979); Susan Moller Okin, Justice, Gender and the Family (U.S.A.: Basic Books Inc., 1989); Varda Burstyn, "Masculine Dominance and the State", The Socialist Register 1983 (eds. Ralph Miliband, Leo Panitch, and John Saville. London: Merlin, 1983); Catharine MacKinnon, Feminism Unmodified: Discourses on Life and Law (Cambridge, Mass: Harvard University Press, 1987); Anne Phillips, Engendering Democracy (University Park Pennsylvania: Pennsylvania State University Press, 1991); and Ann-Marie Field, "Women in Conflict with the Law: Towards a Substantive Legal System" (unpublished, 1994) and "A Feminist Overview of Literature on Theories of the State and Related Concepts" (unpublished, 1995).

¹²Pateman, "Feminism and Democracy", Disorder of Women..., p.210.

¹³See foot note 2 in Carole Pateman, "The Patriarchal Welfare State", Democracy and...

its connection to the private sphere, and so the masculine character of the public sphere has been repressed."¹⁴ Pateman goes on to argue that although theorists like Marshall claim that citizenship status is offered only to those who are full members of the community, the history of Blacks in the United States graphically and brutally demonstrates that "the formal status of citizenship can be bestowed on, or won by, a category of people who are still denied full social membership."¹⁵ Additional confirmation of the above is given by the case of women; although the inequalities experienced by women may not be perceived, at first glance, as brutal and as graphic as that of Blacks. Furthermore, political equality for democratic theorists appears to be reflected in the limited conception of the equal right to vote and to stand for election; the latter disregards the social and economic conditions making this equality effective. Theorists such as Marshall would claim that the welfare state addresses the socioeconomic inequalities. However, as with the abstract conception of citizenship (as having an undifferentiated sex), feminists have demonstrated that the welfare state is yet another patriarchal tool used to reinforce the position of men in society.¹⁶

In sum, liberal democracies are portrayed as neutral and inclusive of all, while in fact they are an extension of biased or normative structures. In other words, the *particular*, which referred to that small nucleus of individuals historically associated with the articulation of citizenship, was extended and transformed to the universal. Since this was done without the reconceptualization needed to incorporate the realities of the newcomers to

¹⁴ibid, p.237.

¹⁵ibid, p.238.

¹⁶On citizenship, see A. Phillips, Engendering Democracy, p.78; for the patriarchal welfare state, see Pateman "The Patriarchal Welfare State", Democracy and...

citizenship, it is therefore not surprising, as these critiques have demonstrated, that those resembling the original group are most favored by the policies of the state. Issues of identity were not addressed in the 19th century liberalism from which modern democracies have emerged; the citizen is recognized only as a generic individual. Susan Phillips explains that "liberalism posits a universality, abstracted from social and economic contingencies: the citizen is portrayed as an individual without gender, class, race, or community."¹⁷ The consequence of universal citizenship is that individuals with particular identities have been required to deny aspects of themselves and conform to the unitary norms of citizenship.¹⁸ Thus, although women, ethnic, racial and cultural groups, Aboriginals, lesbians and gays, dis/abled persons, etc., are included in the universal concept of citizenship and given the same standing as everyone, these groups' realities are neither addressed in the abstract concept of citizenship, nor by the public policy developed by the state for its citizens. As the last section will conclude, although history cannot be changed, steps need to be taken to avoid the continued marginalization of groups and individuals with particularistic identities.

After a century of unrecognized identity particularities, issues of difference and group inequality in modern democracies have become much too serious and prominent to be pushed aside. The new (or newly recognized) social movements, through the use of identity politics, have empowered voices which, until recently, had been kept on the margin by the present political

¹⁷Susan D. Phillips, "Discourse, Identity, and Voice: Feminist Contributions to Policy Studies", Policy Studies in Canada: The State of the Art (eds. Laurent Dobuzinkis, et al.; Toronto: University of Toronto Press, 1996): 244.

¹⁸ibid, and A. Phillips Democracy and Difference, p.56.

structures¹⁹. The new social movements emerged from a refusal by marginalized individuals to accept models of politics that do not reflect the reality of their lives; consequently, identity politics serves to construct a politics which can come to terms with one's own particularity.²⁰ The concept of identity politics thus distinguishes the new social movements from the earlier class-centered Left. It refers to an analysis of identities and oppressions linked to these identities as developed by those who are bearers of the particularistic identities. The motivation of such politics is to redress, at times through inclusion, at others through a reconceptualization of the state and its institutions, the inequalities that are rooted in the non-recognition of identity particularities.

Since identities (race, ethnicity, gender, sexual identity, etc.) are not amenable to elimination, these new political agents can no longer be ignored. In fact,

the questions of democracy and difference are ones that lie at the heart of contemporary dilemmas in democracy - and on an international scale have their counterpart in the fragmentation of older empires into smaller nationalities, and the rising threat to national minorities. People do not define themselves just as citizens of a nation, but, either through choice or necessity, often identify with some smaller sub-group.²¹

In Canada, in the decade since the advent of the *Charter of Right and Freedoms* and the rise of "rights talk" in general, Alan Cairns explains that

¹⁹As Barbara Epstein explains, the U. S. Civil Rights Movement, Women's Movements, anti-war movement, lesbian and gays movement, etc., did not fit into conventional academic social sciences. It is from this exclusion, or lack of reference to, that the aforementioned movements were coined 'new social movements'. New Social Movement theory serves to come to understand and legitimize the many social movement which emerged in the post-war era. These tend to be geared towards a particularistic public and offer a utopianism based on a shared vision which allows for collective action. "Rethinking Social Movement Theory", Socialist Review: SF 20 (1990): 35-52. For more information on the subject, please also refer to Barbara Epstein et al., Cultural Politics and Social Movements (Philadelphia: Temple University Press, 1995).

²⁰Shane Phelan, Getting Specific: Postmodern Lesbian Politics (Minneapolis, MN: University of Minnesota Press, 1994), p. x-xi, 110.

²¹A. Phillips, "Must Feminists Give up on Liberal Democracy?", Political Studies XL, Special Issue (1992): 79.

"the constitution [has become] the central arena within which the groups of an increasingly plural society defined, inter alia, by gender, ethnicity, and language vie with each other for recognition and acceptance."²² This is a situation which has become institutionalized and will not easily see itself reversed. In fact, there is a growing tendency for groups and individuals to organize and resort to "courts or other administrative bodies to resolve policy issues, particularly those relating to strongly contested values or principles."²³ This is the consequence, not only of the advent of the Charter, but also, as the constitutional battles in Canada testify²⁴, of a distrust in the politicians and/or mechanisms of government. Whatever may be the catalyst for the latter, its source remains the indifference of liberal democracies to the particular identities of its citizen.

With the increasing heterogeneity of society, difference is presently the main challenge to liberal-democratic states. Although, as this essay will proffer, it becomes imperative to deal with these new demands for inclusion brought about by various individuals with identities that have historically been ignored, not everyone agrees with this agenda. Indeed, the renewed strength of market-liberalism in politics is evidence of that. On the one hand, neoconservative governments in power attempt to trim the state at all costs, reducing the welfare net, and consequently increasing the gap between the socially and economically advantaged and disadvantaged, as well as furthering the marginalization of individuals with differences. On the other

²²Alan Cairns, "Citizens (Outsiders) and Governments (Insiders) in Constitution-Making: the Case of Meech Lake", Canadian Public Policy XIV (1988): S138.

²³Leslie Seidle, "Introduction", Equity and Community, p. v.

²⁴See Cairns for a discussion of Meech Lake as an example of citizens' discontent with politicians and representative institutions, in "Citizens (Outsiders) and Governments (Insiders) ..."

hand, there is an increasing number of individuals and groups who are turning to mechanisms (such as courts and administrative bodies) other than those provided by democratic representation and institutions, in order to see their rights upheld and plight alleviated; this is especially true when dealing with contested values often pertaining to their particularistic identities.

To understand how market-liberalism justifies disregarding identities, one needs to recognize the role of the market in this philosophy. Market-oriented liberalism²⁵ - which is to be contrasted with democratic liberalism - is a core element of the conservative agenda. In fact, the advancement of neoconservatism has furthered the language of the market in reference to the state²⁶. As mentioned above, issues of privatization, cost-benefit analysis of state expenditure, and profit and deficits are at the forefront of the present political debate. In the discourse of market-liberalism it is believed that individuals make rational choices in the pursuit of their private advantage; the market-oriented choice is presented as an adequate vehicle through which she can affirm her individuality. Thus, individual freedom is measured by the maximization of individual choice²⁷. Within that framework, since identity is the result of a combination of personal choices, individuals "have great difficulty in accepting the public ideals and virtues that are associated with the idea of a community of interest."²⁸ Hence, within this framework, individuals find it problematic for the state to have more

²⁵Anna Yeatman, Postmodern Revisionings of the Political, (London: Routledge, 1994), p.91-92.

²⁶See Robert Nozick, "Moral Constraints and Distributive Justice", Liberalism and Its Critics, (New York: New York University Press, 1984) and Anarchy, State and Utopia (United States: Basic Books, 1974); D. J. Savoie, Thatcher, Reagan, Mulroney. In search of a New Bureaucracy (Toronto: University of Toronto Press, 1994); C. Lindblom, Politics and Markets (New York: Basic Books, 1977); and Nicos Poulantzas, State Power, Socialism (London: NLB, 1978).

²⁷P. Brown, Restoring the Public Trust (Boston: Beacon Press, 1994), p.17.

²⁸Yeatman, Postmodern Revisionings..., p.91.

than a severely restricted sphere of activity; there is no need for a set of binding values imposed or dictated by the state, for market choices are perceived as defining the individuals.

As a result of conceptualizing identity as a series of rational choices in which individuals engage, market-liberalism relegates differences to the private realm. Shane Phelan argues that market-liberalism "is, in fact, an attempt to deny diversity by ignoring it, putting it under the benign and useless category of individual utility."²⁹ Although market-oriented liberalism provides formal equality to all, the latter is counter to the advancement of substantive equality. That is to say, individuals are provided with a type of equality which is structured around a norm referring to the elite or bourgeois class, in lieu of the acknowledgment of differences. Thus, instead of being given equivalent rights (which are the basis for substantive equality), whereby individuals are treated as being of equal value rather than being the same, the state offers formal equality by treating all individuals in identical fashion regardless of their particularities³⁰. Jeff Spinner illustrates the above through the example of Blacks in the United-States:

²⁹Shane Phelan, Identity Politics: Lesbian-Feminism and the Limits of Community (Philadelphia: Temple University Press, 1989), p.155.

³⁰Equivalent rights would legitimize non-traditional intimate relations and treat them at par with traditional ones. For example, a lesbian couple would be considered a couple by laws and institutions, in the same way that traditional heterosexual couples are recognized. However, equivalent rights do not entail identical treatment. Thus, when examining gender, it should not be assumed that women are to be treated the same as men. In fact, equivalent rights are based upon the assumption that the two genres are irreducible to one. The object is not of making space for women in a men's world. In fact, equivalent rights simultaneously serve to obtain formal equality (e.g. being granted the vote the same as men), as well as offer the possibility of differential treatment when the latter is necessary for equality (e.g. protection measures for women in the work force who need to be absent for child-bearing purposes, even though men may not be granted the same opportunity). See Drucilla L. Cornell, "Gender, Sex and Equivalent Rights", Feminist Theorize the Political (eds. Judith Butler and Joan W. Scott, London: Routledge, 1992), p.281.

The argument that everyone can compete equally in the free market ignores the important fact that many Black people have been denied a good education, the sort of education that gives a person the knowledge to run sophisticated businesses. [...] The market does not magically or automatically work against discrimination. In a society where a minority of the population faces a prejudice and discrimination, the market may in fact reinforce its subordinate position.³¹

Far from being neutral or free of discriminatory practices, the market, by endorsing competition as a way to manage society, favors the dominant group which has the advantage of having the needed resources to get ahead³². Thus, by framing the assertion of one's identity as the pursuit of personal interests, based on a cost-benefit analysis in which anyone supposedly can engage, market-liberalism or neoconservatism does not allow for the accommodation of differences. In such discourses, "difference is homogenized within the category of consumer preference, and rendered a function of privately-oriented and self-regarding actions."³³ Consequently, identities are ignored in state-individual relations which can only result in negatively affecting individuals who differ from the norm or, in other words, are not members of the dominant group.³⁴

In contrast to the discourse of market-liberalism discourse, "the emergent theories of a citizenship oriented within the politics of difference represent a renewal of a publicly and politically oriented democratic discourse."³⁵ This

³¹Jeff Spinner, The Boundaries of Citizenship: Race, Ethnicity, and Nationality in the Liberal State (Baltimore: John Hopkins University Press, 1994), p.42.

³²To use the words of Nicos Poulantzas: "Today as in the past, this State has to represent the long-term political interests of the whole bourgeoisie, although it does so under the hegemony of one of its fractions - currently monopoly capital...", State Power, Socialism, p.128.

³³Yeatman, Postmodern Revisionings..., p.91.

³⁴The following section on liberalism and dominant discourses will explore how having individuals who are de-gendered, de-raced, etc. interact with the state is problematic; it will be proposed that the discourse between the state and the individual is hegemonic when the state interacts with individuals as if they did not have an identity.

³⁵Yeatman, Postmodern Revisionings..., p.91.

new discourse represents a recent and emerging attempt by the Left to articulate a counter-balancing view which does not reproduce a state vs. market dichotomy; rather it goes beyond the market-oriented liberalism's parameters by advancing the ideal of radically-democratized political spaces. It is this type of model that the discussion in this research will develop. Since market ideology makes identity a personal preference, market ideology traps the individual within a paradigm counter to the public assertion of identities; it serves to further the marginalization of individuals with particularistic identities. Thus, it becomes clear that to achieve a model of political community which positively acknowledges difference and allows for substantive equality, one needs to move away from a market-centered paradigm. The problem lies in finding a way to positively acknowledge differences in an era of scarcity in which success in the market is highly-valued and state involvement in the "private" sphere is rejected or kept to a minimum by policies which encourage and promote a market ideology or a laissez-faire approach. What is being sought in this paper are venues to achieve a democratic model of political community in which justice is understood as "social justice", whereby the individual, in her treatment by the state and its institutions, is not to be equated to a norm, but recognized for who she is.

As a starting point, "social movements of oppressed and excluded groups have asked why the extension of equal citizenship rights has not led to social justice and equality."³⁶ Part of the answer lies in the inequalities created by the market or maldistribution of resources³⁷; however, as this paper aims to

³⁶Young, "Polity and Group Difference: A Critique of the Ideal Universal Citizenship", Ethics, 99 (January 1989), p.251.

³⁷Cornel West, "A Matter of Life and Death", October 61 (1992): 21-23.

elaborate, another part of the answer is found in the lack of reconceptualization of the political structures to incorporate a more diverse political community. Modern democracies now find themselves in a situation whereby issues of equality and justice in a context of difference need to be addressed. Radical pluralists and other advocates of identity and difference, strongly believe that equality and justice should not exist only when differences are eliminated.³⁸ This implies that mechanisms which allow for the accommodation of differences, or equality between individuals with different identities, need to be developed. As the fourth section (*Targets: linking identities, violence and public policy*) of this research will illustrate, until policies which positively acknowledge differences (such as those of crime prevention programmes) are established, the marginalization of individuals, and more specifically violence against the Other, will continue unabated. To alter this cycle of violence and exclusion will require a full understanding of the intersection between violence, identity and public policy or, more generally, the aim is to discover a model of "democracy through difference."³⁹

ii) The liberal-democratic state: pretensions of neutrality?

One of the main sources of the present dilemma around difference is rooted in the liberal-democratic states' pretensions of neutrality. Traditional accounts of the state, such as those of Weber and Wilson, present the state as a neutral body. In contrast, this essay will portray the state as a political agent. A critique of the positivist tradition in which the separation between politics and administration, facts and values, as well as private and public spheres, is

³⁸Phillips, Democracy and Difference, p.4.

³⁹ibid, p.5.

central to this essay. What needs to be acknowledged is that liberalism's association with positivism is the source of rejection of the state by some groups, especially by individuals with particularistic identities. This rejection reflects the idea that the liberal tradition of citizenship, which is based on appeals to universalism and abstract notions of rights, ignores the reality of social power,⁴⁰ at play when determining who will be privileged by the state.

These critiques point out that power, as conceived in the liberal tradition (in the name of neutrality), does not include social power. As discussed earlier, since issues around identity are relegated to the realm of personal preferences, the sources of oppression and discrimination central to the experiences of many individuals with particularistic identities are not acknowledged by the state. It is these relations of (social) power - which are closely linked to components shaping one's identity, e.g. gender, race, sexual identity, etc., and which are at the source of the subjectivity of individuals - that the state ignores. The definition of power upon which the state is predicated is limited so as to not include these relations of power for the latter would challenge its neutrality. Consequently, liberalism forces the individual to relinquish her identity to the private realm. This issue will be further explored in the following section on identity; the concern in this section will be the pretensions of neutrality of the state and the consequences accompanying them.

Traditional accounts of the liberal state insist upon an understanding of the state as an objective entity. The latter is derived from an ideology of the state

⁴⁰David Taylor, "Citizenship and Social Power", Critical Social Policy p.19

as described by Weber or Wilson⁴¹, in which administration and politics are separate and distinct spheres. As a result of this separation, the state is claimed to be neutral and impartial, capable of processing issues and making binding decisions in the best interest of society. One of the pillar of Weber's theory is his belief that modern democracies had to be accompanied by bureaucratic organizations. Bureaucracies, as a result of their regularity in the execution of authority, would allow for the equal treatment of all its citizens.⁴² Thus, the neutrality of the state implied that every individual in contact with the state could expect to be treated in the same manner regardless of their identity particularities. Weber also claimed that bureaucracy would prevent class privileges, including the privilege of the appropriation of the administration of the state. However, Marxist analyses have demonstrated that Weber underestimated "the degree to which existing class privileges help[ed] to restrict this process, even though they [did] not arrest it altogether".⁴³

In sum, bureaucracy could not live up to the expectations of neutrality and equality as advocated in liberal theories; bureaucracy was infiltrated by individuals whose values permeated through the bureaucratic system and who were overwhelmingly selected from one segment of society: upper and middle-class. Theoretically, Weber's model was one in which government officials and bureaucrats - regardless of their social origin, class, or ideological dispositions - would be subject to the structural constraints of the bureaucratic

⁴¹See the writings of Max Weber and Woodrow Wilson as two of the most influential writings done on this subject. M. Weber, "Bureaucracy", From Max Weber: Essays in Sociology (eds. H. H. Gerth and C. W. Mills, London: Kegan Paul, 1947) and W. Wilson, "The Study of Administration", Political Science Quarterly, 2 (June 1887): 202-217.

⁴²Weber, p.234.

⁴³Ralph Miliband, The State in Capitalist Society (London: Quartet Books, 1973), p.64.

state system; from this machine-like structure ensues a state managed as if it was neutral. Although theorists such as Nicos Poulantzas and Ralph Miliband acknowledge that the state apparatus has a certain degree of autonomy (for it is not simply an instrument manipulated at will by the ruling class), Miliband, among others, critiques the notion of "structural super-determinism" - the neutrality of the state as capable of operating strictly as if it was a value-less machine.⁴⁴

As Miliband explains at length, the state is responsive to an elite for if it was not, there would be no difference between states ruled by bourgeois constitutionalists, conservatives, social democrats, or fascists.⁴⁵ From a case study analysis using France, Germany, the United States, Japan and Sweden to substantiate his position, Miliband concludes that, in most capitalist countries, the bureaucracy, the judiciary, the military as well as the elected members, are mostly selected from the upper and middle classes. Miliband's analysis does reveal that there exists a plurality of economic elites which constitute different groupings and interests; but, as he explains, despite the presence of economic elite pluralism, this segment of society still constitutes an important political influence. Although it is true that the business class *per se* cannot be attributed the title of governing class (business elites represent a small minority of state elites), "the significance of this relative distance of business men from the state system is markedly reduced by the social composition of state elite proper. For business men belong, in economic and social terms, to the upper and middle classes -" and as such are the members of the state elite.⁴⁶ Miliband's analysis, along with Marxists and

⁴⁴Miliband, Class Power and State Power (London: Verso, 1983), p.32-33.

⁴⁵*ibid*, p.33.

⁴⁶Miliband, The State in Capitalist Society, p.42-59.

other critiques, challenge the neutrality of the state. One should therefore conclude that the state can only be considered neutral in as far as relations of power and elite interests remain unacknowledged.

Nevertheless, "the rule of government officials in our society is legitimated by [this] ideology of impartiality".⁴⁷ In a modern setting, with an increasing number of complex issues to deal with and differences to accommodate, it is clear that society relies in large part on the state to make decisions (which in time become policies) in its capacity as a supposedly impartial arbitrator. This explains why social policy so closely defines citizenship. The state makes decisions on the various terms by which society is governed and consequently outlines how individuals are included or excluded from the state. Therefore, even though the state is presented as a machine-like processor of interests or an impartial and autonomous subject to be "blamed for unacceptable policies or praised for upholding the public interest"⁴⁸, in reality, by making these decisions in relation to citizenship, the state is a political agent.

As a result of the emphasis on the neutral rules by which the state operates, liberals overlook the important ways in which power works within the state;⁴⁹ this omission is at the source of the critical thinking done by feminists, queer theorists, and other theorists of civil rights movements or identity politics, etc. As it has been summarized by some authors in regards to the lower status of women in a male-dominated state, "it appears that the main mechanism of the power of the state in sustaining men's interest, in

⁴⁷Young, Justice and the Politics of Difference, (Princeton, N. J.: Princeton University Press, 1990), p.113.

⁴⁸Boris Frankel, Beyond the State? Dominant Theories and Socialist Strategies (London: MacMillan, 1983), p.15.

⁴⁹Spinner, p.79.

resisting and limiting feminist demands, has not been the direct assertion of men's privilege, but rather the character of the state's procedures as impersonal processes. Patriarchy resides in the 'objectivity' of the state's structures."⁵⁰ This feminist analysis brings forth a parallel conclusion to Miliband's aforementioned Marxist analysis. The state is hegemonic by privileging the reality of a certain group to the disadvantage of others, and by rendering this privilege unnoticed through the conceptualization of the state as a rational-legal entity. Thus, neutrality and objectivity are the methods employed to perpetuate and further the interest of the dominant group.

By embracing the concepts of neutrality and objectivity, procedural liberalism (or bureaucracy-centered liberalism),⁵¹ which is central to the functioning of these modern constitutional nation-states (e.g. objective administration of the law and bureaucracy, separation of administration and politics, etc.) makes the state appear as a neutral agent capable of mediating between the various interests in society. Since, traditionally, pluralism referred to a Lockean concept of toleration, whereby pluralism implied voluntary associations around opinions on issues, the role of the state was congruent with this definition of pluralism. However, the new pluralism or difference, which is central to the present inquiry, is predicated upon involuntary associations around identities which cannot be denied or abandoned (e.g. race, sexual

⁵⁰Suzanne Franzway et al, Staking a Claim: Feminism, Bureaucracy and the State (Cambridge: Polity Press, 1989),p. 29.

⁵¹There is a whole body of feminist literature questioning the neutrality of the bureaucracy and examining issues of procedural liberalism; For a convincing analysis see Suzanne Franzway et al. Staking a Claim. Other authors which deal with a similar subject include: Kathy Ferguson, The Feminist Case Against Bureaucracy (Philadelphia: Temple University Press, 1989); Catharine MacKinnon, Towards a Feminist Theory of the State (Cambridge, MA: Harvard University Press, 1989); and Camilla Stivers, Gender Images in Public Administration: Legitimacy and the Administrative State (Newbury Park, CA: Sage Publication, 1993).

identity, gender, etc.).⁵² Thus, the state can no longer assume a role of mediator between interests, since, today, the pluralism which challenges its governance is non-negotiable; it requires recognition, for it is rooted in identity particularities.

Because liberal-democratic states have continued to operate as if they were neutral arbiters of interests, their feigned cultural indifference has served to reinforce the position of the historically dominant group in society at the expense of all other groups and culture.⁵³ Will Kymlicka depicts the latter by saying, in reference to the socio-historical foundation of the liberal paradigm, the dominant cultural practices of our community were defined by one section of the population - that is, the male members of the upper class of the white race - and were defined so as to exclude and denigrate the values of subordinate groups.⁵⁴ As a result of the positivist tradition of liberal-democratic states, individuals are expected to abstract their identities and meet only as citizens; they are equal-bearers of formal and state-derived rights and obligations. Consequently, since individuals are recognized by the state only as citizens, it follows that equality in liberal-democratic states entails similarity of treatment;⁵⁵ differences in identity are suspended as a result of the abstract conception of citizenship. Since citizenship corresponds to a normative concept developed by a historically dominant group, many perceive themselves as excluded from the state. In other words, the problems with the liberal state is that, behind its neutral cloak, it is unable to stop or

⁵²Sheldon S. Wolin, "Democracy, Difference, and Re-Cognition", Political Theory 21, 3 (1993): 467.

⁵³James Tully, Strange Multiplicity: Constitutionalism in an Age of Diversity (Cambridge: Cambridge University Press, 1995), p. 188-91.

⁵⁴Will Kymlicka, "Liberal Individualism and Liberal Neutrality", Ethics 99 (1989): 900.

⁵⁵ Wolin, 470-1 and Bhikhu Parekh "The Cultural Particularity of Liberal Democracy", Political Studies, XL - special issue (1992): 163.

unwilling to condemn the oppression of certain groups in society on the basis of identities. The state considers these identities to be part of the private sphere; hence, those who do not see themselves accommodated, or, in this case, protected from discriminatory practices, find in this notion of positivism a basis to criticize the liberal model of state.

The emergent critical thinkers who have witnessed or experienced discrimination as the result of liberal neutrality are deeply aware of the ways in which liberalism fails to account for the social reality of the world. As Phelan puts it, "liberalism's historic and philosophical tie to positivism has resulted in its dismissal by those whose feelings of being oppressed cannot be located in consensually and systematically verifiable injustice, and whose claims have been rejected on that basis."⁵⁶ Phelan supports the above by exemplifying the case of lesbians and gays.⁵⁷ She demonstrates how there is a gap between the subjective reality of these two groups and what the objective state recognizes as a reality for its citizens. As she explains, being rejected by families, being victims of beatings, being discriminated against by the state (through the institutions of marriage and family which impose compulsory heterosexuality)⁵⁸, and at times forced into closeting (denying or hiding one's

⁵⁶Phelan, Identity Politics..., p.17.

⁵⁷ *ibid*, p.3-18.

⁵⁸A recent example of this was ruled on by the Supreme court in May 1995. In the Nesbit-Egan case, the homosexual couple had been living together for 47 years. When Mr. Nesbit, under the law that allows spouses of some pensioners to receive an allowance, applied for spousal pension, he was refused. At the time of the refusal, the couple claimed they had been discriminated against and filled suit. The dissenting judgment found that the government was discriminating, since the relationship between Mr. Nesbit and Mr. Egan was one of commitment and interdependence similar to that found in a situation of marriage. Had the couple been unmarried heterosexuals living together for one year, they would have received the pension. It is therefore clear that the couple was denied benefits on the sole basis that they were gay. However, in the standing judgment, Mr. Justice Gérard La Forest claimed that "marriage is by nature heterosexual", and an important pillar for the "stability and well-being of the family"; the government has the right to pass laws to protect the family. Consequently, he concluded

identity) are all elements of oppression shaping the lives of many lesbians and gays; however, the positivist state, by disregarding social reality, fails to encompass the lesbian and gay experiences of oppression. Phelan concludes that the "lack of protection against social and economic harassment demonstrates, not that the liberal state is failing to live up to its standards, but that its standards leave huge loopholes in the most intimate, and most defining areas of [lesbians and gays] lives."⁵⁹ It is therefore on the basis of these false pretensions of neutrality that such groups reject the present form of liberalism.

What Phelan describes also applies to other groups in society who may fail to see their lives and realities embraced by state policies and rights. In fact, Daniel Sal  e echoes Phelan's claims in a case referring to ethnic minorities:

The gap between the recognition sought and the recognition granted is characteristically wide, if not unbridgeable. The integration of divergent or hardly reconcilable identity claims within the same political, administrative, and institutional framework is a practical impossibility, mostly when it involves ethnocultural divergence. The reality of pluriethnicity or multiculturalism in liberal societies poses a public policy challenge that most of them are hard pressed to meet.⁶⁰

The crux of the argument against the positivist state is that there is need for change from a state which operates under the principles of procedural liberalism - that negates differences between people by treating all individuals, regardless of their differences, in the same manner⁶¹ - to a state that accommodates the diverse needs of its citizens. It can therefore be concluded that the abstract language of the liberal state and citizenship is not

that the governments was not discriminating , but making a choice as to what it allows. See "Two Decisions on Equality," editorial, The Globe and Mail 26 May 1995: A20.

⁵⁹Phelan, Identity Politics, p.18.

⁶⁰Daniel Sal  e, "Identities in Conflict: Aboriginal Question and the Politics of Recognition in Quebec", Ethnic and Racial Studies 18, 2 (1995): 278.

⁶¹Charles Taylor, Multiculturalism and the Politics of Recognition (Princeton, N. J.: Princeton University Press, 1992), p. 43, 56-7.

neutral, as it is claimed to be; rather, it is normative and consequently, specific and exclusive.

The subtle ambiguity of the abstract language that appears to sustain principles of inclusiveness results in the following paradox. On the one hand the rights discourse encourages individuals and groups to demand forms of recognition and protection of their culture and traditions.⁶² The individual is trapped in a contradiction whereby she is given the right to affirm herself as different from the norm for reasons of gender, sexual identity, religion, race, ethnicity, etc., while simultaneously being denied just and equal treatment (one in which the individual's identity and needs are positively recognized) by the state as a result of that difference. As Wolin sums up, "it appear[s] as though democratic equality could recognize widespread discrimination but [is] unprepared to re-cognize it as requiring preferential treatment."⁶³

In liberal-democratic states it is clear that all citizens share a homogeneous legal space; all have equal rights and are to be treated in an undifferentiated manner by the state regardless of their differences and particularities. Since the state deals legally and politically in a uniform manner with all citizens, it should be obvious that citizens are identically, rather than equitably, treated

⁶²As Charles Taylor explains in Multiculturalism and "the Politics of Recognition": "The demand for recognition [...] is given urgency by the supposed links between recognition and identity, where this latter term designates something like a person's understanding of who they are, of their fundamental defining characteristics as a human being. The thesis is that our identity is partly shaped by recognition or its absence, often by *mis*recognition of others,... Nonrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being" (p.25). Hence, in agreement with Taylor's position and based on other research of my own, I believe that recognition is a necessary component for a just state; that belief will be taken as a given in this research.

⁶³Please note that in the piece by Wolin, "recognize" refers to toleration, while "re-cognize" implies the accommodation or respect of differences, such as gender, race, sexual identity, etc. Wolin, p.472.

by the state.⁶⁴ The fact that the state deals in an identical fashion with all its citizens does not deny that reforms can be achieved within the state (e.g. universal suffrage, employment equity, anti-discrimination rights for lesbians and gays and other minorities), but, since these reforms are framed in the modern liberal discourse, they fall short of cultural recognition.⁶⁵ In other words, because liberal-democratic theory relies on a rigid division between private and public realms, it fails to account for the social context in which numerous relations of power are played out. It is not that liberal theory fails to live up to its standards, but rather that large areas which are considered private within liberal theory, leave individuals subject to discrimination by the state in the public realm.⁶⁶

Although it is not possible to examine at length the problems that the cultural particularity of liberal democracy and difference pose to the governance of contemporary states, some evidence was briefly exposed in this section, so as to better understand the problems of liberalism's double-talk.

⁶⁴Tully, p.66.

⁶⁵The Charter of Rights and Freedoms and other similar documents have often been put forth as a solution to the recognition of various differences. The position taken here is that, although the rights outlined in these documents create a space for the toleration of differences, these stop short of actually recognizing differences by continuing to compare every case to a norm which is historically associated to a specific group in society: white upper-class male. Thus, all groups putting forth Charter claims must formulate their demands in terms which emulate the norm, and thus, denies the claimants their own voices. For example, for lesbians and gays to have same-sex unions recognized, they must demonstrate that homosexual relationships are in no fundamental way different from heterosexual marriages. As Phelan explains in Getting Specific: "The rhetoric used to support these [documents] is largely liberal universalist: sexual orientation is not a publicly significant difference, though it is currently a basis for discrimination. Gays and lesbians are just like heterosexuals" (p.111). Hence, this implies that the inclusion of lesbians and gays will not alter the system, but rather will extend full membership to unjustly excluded members. However, same sex unions are subversive of a power structure - heterosexuality - and should be seen as altering and challenging the latter; consequently, cannot be included as being the same as the heterosexual norm.

⁶⁶Phelan, Identity Politics, p.17-8. In that passage, Phelan explains how the 'neutral' state engages in differential income tax treatment for married couples and will not recognize homosexual unions. The latter exemplifies the lack of protection by the state of lesbians and gay men in what is considered in liberal theory the private realm.

From the above discussion, it can be concluded that these contemporary states are unable, in their present form, to address issues of equality and justice in a context of difference. The liberal discourse makes claims of inclusiveness in its appeal to universalism and use of abstract concepts, while simultaneously denying recognition to those who differ from the norm on the basis of their identity. Differences, although a source of discrimination, by being relegated to the private realm, are not acknowledged in the political discourse.

In order to remedy this situation, it becomes imperative to radically reconceptualize, redefine, or remove all features, processes, principles, or practices which inhibit the state to recognize difference. As Chantal Mouffe elucidates:

The reformulation of the democratic project in terms of radical democracy requires giving up the abstract Enlightenment universalism of undifferentiated human nature. Even though the emergence of the first theories of modern democracy and the individual as a bearer of rights was made possible by these very concepts, they have today become major obstacles to the future extension of the democratic revolution. The new rights that are being claimed today are the expression of differences whose importance is only now being asserted, and they are no longer rights that can be universalized. Radical democracy demands that we acknowledge difference - the particular, the multiple, the heterogeneous - in effect, everything that had been excluded by the concept of Man in the abstract.⁶⁷

Since the intention behind this discussion is to uncover mechanisms of governance which are inclusive and respectful of differences, models for rethinking the state will be explored in the third and fourth chapters. However, prior to rethinking the state, since identity is at the source of the problem examined here, it is important to understand the dynamics of identity. The following section will engage in that debate. As it will become clear at the end of this paper, although it is not possible to instantly revolutionize the political system so as to correspond to the proposed models

⁶⁷Chantal Mouffe, The Return of the Political (London: Verso, 1993), p.2.

of radical-democracy, it is nonetheless possible to start modeling a certain set of policies upon these principles, recognizing the diversity of citizens, and eventually leading the way to a state which will broaden its framework and institutions, promoting the governance of a heterogeneous population in a setting of social justice.

II. LABELS AND STEREOTYPES: A POLITICS OF DIFFERENCE

To acknowledge, as it was done in the previous section, that the recognition of differences is presently one of the main challenge to the governance of liberal democratic states is only the initial step towards the creation of a public space which does not marginalize individuals with particularistic identities. To understand why and how the state needs to alter its responses to accommodate a heterogeneous public one must first be aware of the dynamics around difference. The aim of this chapter is to provide an understanding of why differences in the public sphere can no longer remain unacknowledged, as well as outline a critical understanding of what has been coined "identity politics". It will examine issues of pluralism and essentialism, concepts which are central to a critical understanding of identity politics. After coming to terms with issues of difference as it pertains to the governance of liberal-democracies, the chapter will end by outlining what is understood by the politics of difference. The politics of difference, as chapter three will illustrate, is a key element in the reconceptualization of the polity. Without an understanding of the dynamics of identity, it is not possible to propose new ways of thinking about the polity that can claim to be inclusive of traditionally marginalized voices.

i) Identity... a private issue?

Traditional theories of the state, and the accompanying political concepts, are built upon the 19th century idea that the public sphere is fundamentally distinct from the private. The public is defined as a realm in which it is possible to generalize, since all particularities pertaining to one's identity are

left behind in the private sphere. This is another way in which hegemonic relations of power are maintained, or in other words, that the privileges of the dominant group finds itself perpetuated. The practice of separating the public and private "imposes a homogeneity that suppresses group differences in the public and in practice forces the formerly excluded groups to be measured according to norms derived from and defined by privileged groups."⁶⁸ Thus, social power (which refers to the way people's identities are constructed) is relegated to the private realm thereby falling outside the framework of analysis on which state policies are developed. This results in the non-recognition of difference in the political realm.

As a consequence of ignoring the constituting aspects of one's identity, the state's decision-making reflects the abstract nature of individuals rather than their social realities. It is therefore not surprising that, as mentioned above, individuals with particularistic identities dismiss the present liberal model of the state as unreflective of their realities. Although the aim of this paper is not to enter in a detailed analysis of the private-public dichotomy, it should be mentioned that this issue has been central to two centuries of feminist writings and political struggle.⁶⁹ Feminists have been at the forefront of those condemning the public-private divide, arguing that the latter contributes to the inferior status of women through the perpetuation of the norm with reference to the male. In general, this serves to point to the fact that the state, by dealing with individuals as if they were dis-embodied and

⁶⁸Young, "Polity and Group ...", p.255.

⁶⁹Pateman, Disorder..., p.118. Also see Susan Moller Okin and Mary Dietz (in the bibliography) which talk about this divide as it relates to political concepts of the 20th century as well as Catharine MacKinnon, "Difference and Dominance in Feminism Unmodified. For earlier work on this issue as dealt with by feminist-anthropologists see: Louise Lamphere and Michelle Rosaldo eds., Women, Culture and Society (Stanford, CA.: Stanford University Press, 1974).

abstract citizens, whether these differences be gender, race, religion, or any other aspect fundamental to one's identity, is not capable of accommodating their differences.

One of the methods used by the liberal discourse for relinquishing identities to the private realm is to advance theories of liberal individualism that ignore the central pillars upon which rest identity politics: acknowledgment of differences. Liberal individualism is structured around an ideal 'normal' individual who is defined not so much by her specificity as by the lack of argumentation around her generic characteristics. In other words, the norm is in no way challenged or questioned; rather liberal theories of individualism omit to examine the social relations of power central to the formation of one's identity. William Connolly explains that liberal individualism has a "tendency to reduce the political to the juridical - to condense most issues of politics into the juridical categories of rights, justice, obligation, and responsibility and to treat the remaining issues instrumentally as contests in which individuals and aggregations compete with juridical rules to advance their "interests" or "principles" by rational means."⁷⁰ Thus, theories of liberal individualism fail to come to terms with differences in identity, for they perceive the elements of one's identity, which cannot be reduced to the juridical sphere, as simple interests which one must choose. This is problematic, for identities are, in many respect, ascriptive rather than the result of mere choices.

⁷⁰William E. Connolly, Identity/Difference: Democratic Negotiations of Political Paradox (Ithaca, NY: Cornell University Press, 1991), p.74.

Another method used by the liberal discourse for relinquishing identities to the private realm is the concept of toleration. In the liberal tradition, toleration is the principle "according to which each person should be left free to follow her ideals and style of life as long as she does not harm anyone else."⁷¹ The idea of the state as being neutral is upheld or strengthened in traditional theories, in part, by the liberal commitment to tolerance. Both principles of toleration and neutrality aim to conceive the individual in abstract terms in their relation to the state, therefore strengthening the state's mandate of treating everyone the same regardless of their particularities in identity. This commitment to toleration is problematic, for it allows the state to ignore relations of power around which identities can be rendered oppressive. For example, the economic dependency of a woman on her husband is often overlooked when assessing why a woman remained in an abusive relationship. Similarly, socioeconomic status is not taken into account when individuals are fined for an offense, resulting in the uneven escalation of criminal records for those who are already at the bottom of the socioeconomic ladder. For example, in Canada, disproportionately, women, Aboriginals, and people of color are penalized for their inability to pay fines as a consequence of their socio-economic status; this results in automatic prison time on a second offense, a reality different than that of people who have access to money, typically white males.⁷²

⁷¹Anna Elisabetta Galeotti, "Citizenship and Equality: the Place for Toleration", Political Theory 21, 4 (1993): 58

⁷²See Sean Fine, "Plan would divert Blacks from court", Globe and Mail (Nov. 5, '94), A1-2; Michael Valpy, "Tubman proposal isn't separate justice", Globe and Mail (Nov. 16, '94), A21; and Holly Johnson, "Getting the Facts Straight: a Statistical Overview", Too Few to Count (eds. Ellen Adelberg and Claudia Currie, Vancouver: Press Gang Publishers, 1987), p.18-34.

One could even go as far as to say that toleration as found in liberalism is a "breeding ground" for discrimination. Toleration encourages individuals to come forth with their particular lifestyles or differences. For example, toleration implies that Muslim women are permitted to wear the chador or veil in public places such as schools. However, since differences are to be treated as taste or choices, it also presupposes that the religious connotations accompanying the wearing of the veil or chador are kept to one's self and should not impede upon the conformity with other students. Therefore, students cannot refuse to attend physical education and biology classes, as prescribed by their religion. In other words, they are allowed to identify their religious faith by way of dress, but cannot publicly respect their faith without retribution of being expelled or discriminated against by the authorities involved.⁷³ Examination of this issue leads to question such as: should religion be an excuse for a different type of education? What place does religion have in a secular school? How can differences and equality be reconciled?

The above dilemma stems from the liberal discourse itself. The liberal discourse allows for the public affirmation of differences through the vehicle of rights, while simultaneously disregarding the ways in which individuals are different. The different needs and realities associated with the particularities in identity are not recognized in the undifferentiated or universal treatment of the individual by the state and its institutions. In fact,

⁷³As the discussion on pluralism will make clear, the above example is not meant to be an endorsement of having these girls skip certain classes, nor is it a condemnation of their faith. In fact, the discussion on pluralism which is pursued throughout this essay will discuss the extent to which differences can be acknowledged without resulting in the fragmentation of the political community (refer especially to chapter 3). For more explanation on the specific example, please see Galeotti, p.585-6.

as Anna Elisabetta Galeotti explains, a significant problem with the liberal model of political toleration

lies in the fundamental insensitivity of state neutrality to differences. The goal of the state is indeed to free people from their differences in the public domain and to equalize all members in their political capacity, *independently* from the particular human beings they are. That implies denying public relevance to their special identity, which [...] is defined as private and in these terms is the legitimate subject of political toleration.⁷⁴

The public-private divide is at the source of what is understood as toleration in the liberal discourse. Toleration, by denying particularities in identity within the public sphere, fails to promote equality for all; since equality is a core value of liberalism, there is a need to reconceptualize this dichotomy and possibly the conception of justice presently advanced in these liberal-democratic states.

What is really at issue here is the need to find a way in which the state can recognize differences without, on the one hand, splintering the cohesiveness of the community (as a result of the acknowledgment of all differences), and on the other, deny individual privacy (as a result of an extension of the public sphere). Today, society is confronted with a multitude of issues stemming from the acknowledgment of differences: which religious holidays should be recognized in the school system? Can the family be reconceptualized to allow for same sex couples to have/adopt children? Should the justice system allow for court diversion programs aimed at a particular racial group as a way to address a problem endemic to that group? Should Aboriginals be recognized as nations? Such interrogation leads to question of how the polity will face these new challenges. Can the state recognize all differences? Can

⁷⁴Original emphasis. Galeotti, p.589-590.

there be limits upon what differences will be acknowledged? Who will decide?

The state needs to balance this needed recognition of differences in the public sphere with the right and need of the individual to have privacy. To resolve the problematic way in which individuals are forced to deny their identities in order to be acknowledged in the public arena, some have called for a widening of the definition of the political sphere, to include every aspect of daily existence within the political realm, *e.g.* domestic inequality, identity, control over sexuality, challenge of cultural representation, community control over state welfare.⁷⁵ The popular slogan of the 1970s American women's movement "the personal is political" encapsulates what is at stake here when advancing the widening of the public sphere to encompass all activities. Discourses of identity politics join feminist advocates in enlarging the public sphere through their claim to include the particular, and accounting for social power in the political realm. By bringing identity into the public sphere, what these theorists want is to compel the state to not simply recognize that these differences exist, but to force it to deal with the need of respecting and accommodating differences. To remedy the inequalities brought upon by these differences, theorists advocate the use, by the state, of necessary provisions such as differential treatment. However, one needs to ask whether this type of reform is really a solution; where will privacy lie if all is political? Can the politicization of all realms really occur and, if so, would that not be at the expense of an individual's right to privacy?

⁷⁵Sheila Rowbotham in A. Phillips, Democracy and Difference, p.80.

ii) Liberalism and difference

The very success of liberalism in allowing individuals to pursue their own lifestyles, even when these imply the affirmation of differences, is now one of the strongest challenge that society is faced with. As Ronald Beiner explains, "the liberal mode of existence is marked by tendencies toward pluralistic fragmentation, but paradoxically it is also marked by tendencies toward universalism and even homogenization."⁷⁶ On the one hand liberalism promotes diversity through toleration and rights; but simultaneously, by relinquishing identities to the private realm, it supplants individual differences for a universal identity. Hence, the problem with liberalism is that it advances a traditional conception of pluralism that addresses only a limited number of issues. By relegating values and subjectivity to the private realm, liberal theory presumes a continuing plurality of opinions and beliefs but it does not see this pluralism as relating to differences and unequal social groups.⁷⁷

Otherwise stated, traditional pluralism, as perceived by liberal theorists, refers to alliances based on interests, whereby individuals mobilize around temporary concerns and are often part of overlapping associations. In contrast, new pluralism focuses upon the acknowledgment of identities. The politicization of these identities usually arise from experiences of exclusion that the liberal concept of formal equality has not eliminated. Identities cannot be relinquished since they, unlike interests, are constitutive of the individual. In fact, a distinguishing characteristic between traditional and new pluralism is that the latter presupposes involuntary associations on the

⁷⁶Ronald Beiner, What's the Matter with Liberalism (Berkeley, CA: University of California Press, 1992), p.23.

⁷⁷A. Phillips, Democracy and Difference, p.115.

basis of race, gender, sexual identity, etc., while the former assumes voluntary associations around a specific interests which are chosen and can be discarded for they are not part of one's identity.⁷⁸ In sum, both types of pluralism bring with them very different political dynamics; traditional pluralism functions properly within the liberal paradigm, while new pluralism challenges the structures of the liberal-democratic state.

Although particularistic identities have been an impediment to equality for individuals in the present liberal-democratic system, these differences are not amenable to elimination. Consequently, there is a need to develop political structures to deal with the differences that are at the source of historical discrimination. In the late theories of modern politics, pluralism is reconceived as to best be able to come to terms with the challenges that are posed by difference. These new concepts need to depart from the ahistorical liberal vision of identity and favor a commitment to equality and social justice; this commitment goes beyond mere political alliances around interests to transform the very identities of those social agents involved to achieve substantive equality.⁷⁹ Thus, in contrast to liberal-democratic theories in which individuals are expected to bracket differences and interact as if they were equals, the new pluralism is the departure point to reconceive the polity. Rather than accept the liberal condition of participatory parity of an heterogeneous public which finds itself differently empowered, the new pluralism is the departure point to reconceptualize a public which will find

⁷⁸Wolin, p. 467.

⁷⁹Rosemary J. Coombe, "Tactics of Appropriation and the Politics of Recognition in Late Modern Democracies", Political Theory, vol. 21, 3 (1993): 412.

justice through the simultaneous elimination of social inequalities and recognition of differences.⁸⁰

Postmodern theories are at the source of this new thinking. By focusing on the *new pluralism*, these theories allow marginalized voices to be heard. However, postmodernism and concepts of *new pluralism* are not without problems. By making the recognition of differences central to these theories, the cohesiveness of the political community is relinquished or at least hampered.⁸¹ One cannot, as postmodernist do, assume a position against universalism and for difference; to do so would lead to the total fragmentation of the political community. This is why, although these pluralist perspectives may be good approaches, mechanisms limiting or containing pluralism are necessary if the political community is to remain cohesive. Yet, to have mechanisms which limits pluralism appears somewhat antithetical and even contrary to what is advanced in a postmodern tradition. The question, therefore, becomes how to recognize, legitimate, and reconcile group differences without fragmenting the political community. How can pluralism be limited in a non-hegemonic way? Who is to decide which groups should have a voice? Can someone be given a superior decision-making role in a radical democratic project which has as objectives equality and justice? These are questions which need to be

⁸⁰Refer to section 3 for more details on Fraser's proposed model. Nancy Fraser, "Politics, Culture, and the Public Sphere: Toward a Postmodern Conception", Social Postmodernism: Beyond Identity Politics (eds. Linda Nicholson and Steven Seidman, Cambridge: Cambridge University Press, 1995), p.289-290.

⁸¹It is taken for granted in this essay that the state is a necessary tool for regulation and social services. From a feminist perspective, considering for example the relation of women to the state, it is clear that the concept of even a minimal state (as proposed by Nozick) is not sufficient, nor adequate, since the aim here is to have a state which responds to the needs of its citizens.

addressed if one is to use, in her reconceptualization of political concepts, the idea of difference.

In traditional pluralism there was no need to worry about the cohesiveness of the community, since interests were at stake and not identities. Pluralism referred to a multitude of opinions and did not address group marginalization or inequalities between citizens. People were mobilized around temporary concerns which meant that the absence of any overarching form of cohesiveness in the interests advanced was not a reason to be alarmed.⁸² In contrast, radical pluralists are concerned with the empowerment of marginalized voices. This translates into a fragmentation of the community into groups, which in turn leads to concerns about the cohesiveness of the political community. The theorists of this new pluralism find themselves in a vulnerable position. It seems that to secure one's identity, there is a need to do so in reference to an 'other', which automatically leads to the exclusion of those who do not share that identity. The result is the emergence of multiple small groups in a divided and fragmented political community.⁸³ This warning against the fragmentation of the political community does not mean that one should refrain from promoting identity politics and similar discourses. However, the issue of fragmentation must be addressed. It is imperative that a balance between political cohesion and accommodation of differences be struck.

Over the years, a number of elements have been included in the liberal paradigm to cover up the stigma of inequality caused by difference. Ideas such

⁸²A. Phillips, *Democracy and Difference*, p. 145-151.

⁸³ibid.

as not allowing for hate literature, not tolerating blatant discrimination based on sex, race, etc., and concepts such as employment equity are all examples. All these policies do, unfortunately, is camouflage the continuing oppression of groups such as lesbians and gays, the dis/abled, the aged, women, racial minorities, etc. The section challenging the state's neutrality illustrated how the state's positivist procedures and rules did not prevent discrimination from taking place. With the increasing diversity of the population, a greater number of challenges involving differences pertaining to identities are taking place. If liberal-democracies want to continue upholding principles of equality and justice, issues of equality in a context of difference need to be addressed.

Liberal democracies are not presently structured to accept and accommodate differences. By dealing with individuals as abstract entities, justice is based on the equality or sameness of treatment; it is therefore not substantive in form since it is based on the denial of the particularities of individuals. It is important to understand that genuine social justice goes beyond the ideas of universalization and impartiality as found in liberalism; substantive justice must include the elimination of institutionalized oppression and domination,⁸⁴ and, consequently, allow for a recognition of differences. As the criticism of the neutral pretenses of the state exemplified, substantive justice can only be achieved when group identities are positively acknowledged. Charles Taylor argues that unless society is willing to weigh the importance of certain forms of uniform treatment against the importance of cultural survival (identities), and opt sometimes in favor of the latter,⁸⁵

⁸⁴Young, Justice and the Politics of Difference, p.15.

⁸⁵C. Taylor, Multiculturalism and the Politics of Recognition, p.61.

liberal democracy will continue to negate the voice of those with a different identity.

Of course Taylor, as a communitarian, would blame the individualism inherent in the liberal tradition as a source of the problem caused by difference. However, the solution cannot be found in the dichotomy between the individual or the community. In fact, community and individualism share a common logic: each denies the diversity of individuals by relying upon an homogenizing discourse to keep the political community as a unit.

Liberal individualism denies difference by positing the self as solid, self-sufficient unity, not defined by or in need of anything or anyone other than itself. Its formalistic ethic of rights denies difference by leveling all such separated individuals under a common measure of rights. Community, on the other hand, denies difference by positing fusion rather than separation as the social ideal. Community proponents conceive the social subject as a relation of unity composed by identification and symmetry among individuals within a totality.⁸⁶

In other words, community denies identities by imposing a common good or good way of life upon all, while individualism (as found in the liberal discourse) denies identities by giving everyone a common abstract identity: citizenship

Because citizenship is the link between the state and the individual, how citizenship is defined directly affects how people are included in the political community and, more importantly, whether or not individuals can benefit from substantive equality. Consequently, citizenship is the pivotal point for a reconceptualization of the state, since it is simultaneously constitutive of the political community, and yet, contained within the limits the state will allow for. Thus, citizenship is a central concept in this research, key to the

⁸⁶Young, "The Ideal of Community and the Politics of Difference", Feminism/Postmodernism (ed. Linda J. Nicholson, London: Routledge, 1992), p.307.

transformation of the methods of governance. That is to say that, since citizenship is the attachment of individuals to the political community, how individuals act can "give effect to this attachment through various kinds of competent social, legal, and political praxis."⁸⁷ If in fact difference has become one of the main challenge of liberal democracies, it is not the result of a sudden emergence of differences between individuals. That is not to suggest that the polity's increasing heterogeneity has no influence on the matter, it is simply to say that it is not the catalyst, just a contributing factor. Other causes may well include the active use of courts and other administrative bodies to remedy situations to oppression experienced by citizens as a result of their identities.

However, the state defines what it considers proper behavior for citizens. Through public policy, laws and regulations, the state imposes upon individual citizens its view of what is considered legitimate behavior. In the liberal discourse, as a result of the tradition of neutrality of the state or positivism, citizenship can be viewed as the sole identity of all individuals recognized fully in the public realm. It is an identity above all others and shared by all. In fact, "a citizen is one whose membership is contingent upon the subordination of the specific bonds of gender, race and class - indeed, all particularized identities - in favor, most often, of a national identity and loyalty to the state."⁸⁸ In essence, in citizenship, one trades a particular identity for an abstract public self. Thus, "whatever the social or group differences among citizens, whatever their inequalities of wealth, status and power in the everyday activities of civil society, citizenship gives everyone

⁸⁷Beiner, p.105.

⁸⁸Kathleen B. Jones, "Citizenship in a Woman-Friendly Polity", *Signs* 15, 4 (1990): 783.

the same status as peers in the political public."⁸⁹ Citizenship, as defined by liberals, is a claim to a common identity which disregards the differences of the individuals shaping the citizenry.

This leads back once again to the same set of arguments made in the previous section in regards to the neutrality of the state. Citizenship, which claims to be universal, is in reality exclusive by favoring, under the guise of impartiality and objectivity, a certain category of individuals which was at the historical root of the conception of liberal democracies. As one author describes it, "citizenship is delimited conceptually by falsely universalizing one particular group's practice of it."⁹⁰ The state system tends to reinforce and perpetuate the dominant groups' privilege at the expense of other groups in society, *e.g.* women, ethnic groups, dis/abled persons, lesbians and gays, etc. Hence, this conception of citizenship is clearly part of the totalizing, homogenizing, and universalizing discourse of liberal democracies.⁹¹

In sum, the problem with citizenship as conceptualized today is that "those rights and equality that were being asserted as birth rights to [privileged] men"⁹² were extended to all without any reconceptualization of what citizenship meant and how justice and equality were to be achieved. Therefore, what had been structured for the particular - upper-middle-class-educated-white men- was rendered universal. What is problematic about such a situation is that the individuals who attempt to conform to this universalism have to deny aspects of themselves to comply with these

⁸⁹Young, Throwing Like A Girl and Other Essays in Feminist Philosophy and Social Theory, (Bloomington: Indiana University Press, 1990), p.114.

⁹⁰Jones, p. 784.

⁹¹For more information, refer to the texts mentioned in footnote 11 (section 1).

⁹²A. Phillips, Democracy and Difference, p. 55.

assimilationist notions. Consequently, it is not surprising that many groups with particularistic identities claim that they are not served adequately by such a paradigm.

iii) Problematizing identity

Difference is a challenge to all. It puts demands on both the dominant group, which needs to reassess its values and perspectives, and the subordinate and excluded groups, which need to go beyond their sectorial loyalties.⁹³ Since the dominant group in society is rarely confronted by its own identity, the identity of the Other has often been problematized in isolation from the identity of privileged individuals. This tendency to universalize the experience of the privileged, has led to a situation in which their identity has never been advanced as a difference. As Cornel West proffers, there is a need to talk about identity-from-above as well as identity-from-below. He goes on to say that this idea "is something that is rarely stressed, rarely examined, rarely specified. We need to get a handle on how whiteness, maleness, and straightness functions over time and space in relation to blackness or brownness or yellowness or womenness or gayness or lesbianness, etc."⁹⁴ Identity must be understood as a dynamic concept, as opposed to a binary relation between the privileged and the Other. Difference must not refer to all whom are not white-middle-class-educated persons, but to both the privileged and the disadvantaged groups in society. The assumption that assigns difference to the Other or the underprivileged side is a hegemonic assumption. "Instead of noting that both sides of an opposition are "different" from one another, the hegemony works to render the relation

⁹³ibid, p. 145-151.

⁹⁴Cornel West, "A Matter of Life ..., 22.

invisible and to describe differences as something inherent in one side."⁹⁵ Difference, abnormality (differing from the norm), or otherness is always attributed to the underprivileged, furthering her lower status and leaving the privileged identity unproblematicized, unchallenged, and unquestioned.

Often identity politics is criticized for being a self-serving assertion of one's particularity in identity in order to obtain special privileges. What this position disregards is that although identities can be assumed by the individual, identities are often imposed by others. Most identities are undeniable and central to the individual; yet, these may not at all times be central to one's choices and actions or even that of others towards the individual in question. In fact, there may well be a gap between the process of accepting a label for the self and the imposition of a perceived label by others. Some identities are straight forward, and most people will agree with them (e.g. woman, man, white, black, etc.); while others may escape ascription by others and may or may not be put forth as central by the individual (e.g. straight, lesbian, gay, Jewish, Christian, class, ethnicity, etc.). Moreover, some labels remain ambiguous, e.g. bi-racial or bisexual individuals. Thus, a woman living with another woman may be classified as a lesbian, when in fact she may label herself bisexual, straight or asexual. A mulatto may consider herself black and adhere to elements of Black culture; she may however be treated as non-black by those who perceive her as benefiting from the privileges of white skin.

K. Anthony Appiah articulates the dynamics of identity in terms of race. He argues that:

⁹⁵Martha Minow quoted in Phelan, Getting Specific, p.101.

racial identification is hard to resist in part because racial ascription by others is so insistent; and its effects - especially racist ones - are so hard to escape. It is obvious [...] that the persistence of racism means that racial ascriptions have negative consequences for some and positive consequences for others - creating, in particular, the white skin privilege that it is so easy for people who have it to forget; and it is clear, too, that for those who suffer from the negative consequences, racial identification is a predictable response, especially where the project it suggests is that the victims of racism should join together to resist it.⁹⁶

Thus, identity is more than the label one chooses as central to her activities and choices; it also encompasses negative connotations imposed by others and a rallying point to resist the latter. It also may be the point of departure to a politics in which difference is positively recognized.

Since the aim of this research is to discover ways for the liberal-democracies to deal with the challenge that differences poses to its governance, the above understanding of identity becomes central to the reconceptualization of political spaces. The main emphasis is on locating a perspective which advances the concept of democratized agonistic political spaces as an alternative to the present liberal-democratic state and citizenship discourses which are, by their nature, totalizing and homogenizing. To do so requires an understanding of identity in a non-essentialist fashion. As the following discussion on the category women, as well as later discussion on the shift from mainstream gay and lesbian politics to queer theory and politics, will illustrate, the essentialization of categories is no more liberating than the acknowledged constraints of the abstract citizen. The possibility of several publics, as opposed to a unified one, is only a successful strategy of liberation if these publics remain open, contested and agonistic.

⁹⁶K. Anthony Appiah, "Reconstructing Racial Identities", Research in African Literature 27, 3 (1996): 72.

Several feminist discourses were, until recently, culprits of essentialism. Prior to the arrival of the new emancipatory movements, numerous feminist theories incorporated the following universalizing tendencies, which though put women central to what was at issue, nonetheless eradicated differences between the real experiences of women's lives. First, in most feminist theories, it was assumed that gender was the most salient basis for oppression. Not only is this a privileged assumption (advancing the position of western, white, middle-class women), it is also problematic due to the hierarchization of oppressions. How can one claim that one type of oppression e.g. gender oppression, is more urgent than another e.g. race, sexual identity, class, etc., unless that individual is not affected by other oppressions? To prioritize oppressions in that manner certainly reflects the privileged position of white women. Secondly, and linked to the first assumption, it was believed that women could form a single category. In this context, the category 'woman' need not be subdivided by race, class, and other identities since all women share the common oppression of gender. This disregards the fact that oppression is experienced differently by women with varying backgrounds. It assumes that gender oppression is experienced apart from oppression linked to other particularities in identity. These considerations make it impossible, or definitely hegemonic, to conceptualize women as a unitary category.⁹⁷

This type of essentialist approach whereby gender is perceived as the primary source of oppression "marginalizes and silences those who suffer oppression not only on the basis of their gender but also because of their race, class, sexual orientation, or any other factor. Essentialism is therefore racism, [classicism,

⁹⁷Archana Parashar, "Essentialism or Pluralism: The future of Legal Feminism", Canadian Journal of Women and the Law 6 (1989): 333-335.

homo/lesbophobia, etc.,] even if subconscious".⁹⁸ Efforts to construct the category of a singular "woman" inevitably leaves out the lives of those who do not have the privilege to define the discourses or, to put this another way, those who do not have the "hegemonic power of description".⁹⁹ In such a context, the women referred to in these discourses are privileged, among other things, by race, sexual identity and class.

Therefore, for feminist discourses to remain useful and insightful for the purpose of understanding and promoting social change, the category "woman" has been problematized, to become more reflective of differences. Recent feminist works¹⁰⁰ have examined and addressed this lack of diversified material and attempted to rectify this situation of partiality within feminism. As a result of critiques of essentialism, feminisms have developed "an internal politics of difference, a politics of contestation in respect of dominant and marginalized voices within feminism".¹⁰¹ This has challenged a feminism favoring and perpetuating white women's privilege. To integrate difference within feminisms was imperative in order to allow feminisms to remain informative discourses on process of social change and understanding of social power. It is only when a feminist discourse manages to incorporate and advance a politics of difference that thinking about social justice within that discourse becomes possible.

⁹⁸Angela Harris quoted in Parashar, p.337.

⁹⁹Phelan, Getting Specific, p.5.

¹⁰⁰See Himani Bannerji ed., Returning the Gaze: Essays on Racism, Feminism, and Politics (Toronto: Sister Vision Press, 1993); Linda Carty, And Still We Rise: Feminist Political Mobilizing in Contemporary Canada (Toronto: Women's Press, 1994); Anna Yeatman and Sneja Gunew eds., Feminism and the Politics of Difference (Halifax: Fernwood Publishing, 1993); and bell hooks, Outlaw Culture: Resisting Representations (London: Routledge, 1994).

¹⁰¹Anna Yeatman, "Voice and Representation in the Politics of Difference", Feminism and the Politics of Difference, p.229.

Unlike other identities (e.g. gender, race), the validity of sexual identity is often questioned. Because liberalism tends to cast homosexuality as pathological or the result of a (wrong) choice¹⁰², the concept of sexuality as a tool of social organization is challenged. However, as queer theorists have advocated, sexuality is political for it is a site where power is exercised.¹⁰³ Although sexuality appears to be private and consequently different in terms of identity to race, ethnicity, gender, etc., sexuality is a form of social regulation that imposes upon all members of society a subjection to a specified norm. For heterosexual individuals, this subjection is not problematized and often disregarded; but for those who differ from the sexual norm of heterosexuality, sexuality becomes an important defining characteristic, for it labels one as Other, abnormal or unnatural. To cast sexuality as simply private therefore disregards the power relations which discipline all into conforming to heterosexuality and its accompanying gender roles, or to be marginalized if one does not.

The interest in sexual identity for this section lies in the fact that the history of lesbian and gay politics has also undergone a similar route to that of the feminist discourse. In the same way that the voices of liberal feminists were the ones at the forefront of the second wave of the American Women's movement, initially, the voices of lesbians and gays were first heard advancing liberal concepts of rights and claiming formal equality or same treatment for homosexuals and heterosexuals. In line with the idea of new

¹⁰²For a complete explanation on how liberalism cannot stop anti-gay speech, please refer to Susan Johnston, "On the Fire Brigade: Why Liberalism Won't Stop the Anti-Gay Campaigning of the Right", Critical Sociology 20, 3 (1993-94): 3-19. Also refer to Phelan, Identity Politics, chapter 2; and Gregory M. Herek, "The Social Context of Hate Crimes: Notes on Cultural Heterosexism", Hate Crimes: Confronting Violence Against Lesbians and Gay Men.

¹⁰³Mark Blasius, Gay and Lesbian Politics: Sexuality and the Emergence of a New Ethic (Philadelphia: Temple University Press, 1994), p.10.

pluralism, queer politics emerged as a form of counter-discourse, problematizing lesbian and gay politics. Queer theory and politics have emerged as a counter-discourse to provide a realm of politics which is located outside the hetero-homosexual dichotomy. As Steven Seidman explains,

[b]oth queer theory and politics intend to expose and disturb the normalizing politics of identity as practiced in the straight and lesbian and gay mainstream; whereas queer politics mobilizes against all normalized hierarchies, queer theory put into permanent crisis the identity-based theory and discourses that have served as the unquestioned foundation of lesbian and gay life.¹⁰⁴

In other words, the project of queer theory and politics is to remove itself from the strongholds of the homo-heterosexuality dichotomy which can only normalize or legitimize homosexuality, but cannot dislodge heteronormativity. To stay within the dichotomy of hetero and homosexuality can only serve, at best, liberal aims of inclusion, formal equality and tolerance. However, achieving substantive equality and eliminating the marginalization of individuals with various sexual identities requires a move away from the binary assumption of hetero and homosexuality. Queer theory and politics engage in that project.

In terms of the binary assumption, one of the problems is that the heteronormative paradigm creates essentialized categories which are all encompassing. Consequently, one is either heterosexual, gay or lesbian; this classification delineates very specific categories, which cannot and do not include everyone. Therefore a large number of individuals are marginalized, while the identity of the others (e.g. lesbians and gays) is essentialized. The categories defined by the homo-hetero binary are perceived as unitary and therefore deny the multiplicity of differences within them. This in fact

¹⁰⁴Steven Seidman, "Deconstructing queer theory or the under-theorization of the social and the ethical", Social Postmodernism: Beyond Identity Politics, p.118.

parallels the idea of ethnic nationalism, whereby lesbian and gays are to form a single interest group which submerges differences for the sake of solidarity. Voices of dissent are now being heard, rendering these categories dysfunctional. One only need turn to the colonial discourse as it pertains to the decolonization of African countries, in the 1960s, to understand how an essentialized identity cannot be cohesive. Once the colonial powers were removed, the concept of nation, which had been built in opposition to the identity of the colonizer, was debunked; differences between nationals no longer needed to be suppressed and a common experience could not be found to rally these nationals.¹⁰⁵ Moreover, this binary framework is limited. As Seidman explains, "to equate sexual liberation with heterosexual and homosexual legitimation presupposes an extremely reductive notion of the sexual since it leaves out of consideration any explicit concern with the body, sensual stimulation, and sex acts and relations other than in terms of gender preferences."¹⁰⁶

Queer theory differs from lesbian and gay theory by acknowledging more than the gender asymmetry. Rosemary Hennessy argues that queer "embraces the proliferation of sexualities and the compounding of outcast positions along racial, ethnic and class as well as sexual lines."¹⁰⁷ The upshot is that queer upsets traditional identity politics and forces a re-thinking of heteronormativity which works towards its subversion as the limits of this

¹⁰⁵See Samuel Huntington, Political Order in Changing Societies (New Haven: Yale University Press, 1968); Naomi Chazan et al., Politics and Society in Contemporary Africa, second edition (Boulder, Colorado: Lynne Rienner Publishers, 1992); Jean-François Bayart, The State in Africa (London: Longman, 1993); and Janet MacGaffey, "Economic Disengagement and Class Formation in Zaire", Precarious Balance: State and Society in Africa (eds. Naomi Chazan and Donald Rotchild, Boulder, Colorado: Westview Press, 1988).

¹⁰⁶Seidman, p.127.

¹⁰⁷Rosemary Hennessy, "Queer Visibility in Commodity Culture", Social Postmodernism: Beyond Identity Politics, p.144.

binary framework are outlined. More so, queer theory differs from gay and lesbian theory in its ends. Gay and lesbian mainstream aims for the inclusion within heteronormative system, while queer theory attempts to subdue the binary framework and undermine heteronormativity. Queer theory

treats homosexuality as the constructed and devalued correlate of heterosexuality... The transformative aim is not to solidify a gay identity, but to deconstruct the homo-hetero dichotomy so as to destabilize all fixed sexual identities. The point is not to dissolve all sexual difference in a single, universal human identity; it is rather to sustain a sexual field of multiple, debinarized, fluid, ever-shifting differences.¹⁰⁸

In sum, in the same way that the problematization of the category "woman" has led some authors to use feminist theories as a discourse which informs and delineates power relationships often left unnoticed by paradigms such as liberalism (which disregards social power), queer theory has emerged from a need to move away from the essentializing discourses of mainstream lesbian and gay politics. Both counter-discourses are attempts to recognize differences and promote a position which, in accordance with radical democratic theories, accepts differences and does not supplant individual identities by imposing a false idea of unity. Thus, in this research, difference is not merely a factor which may be reduced, eliminated, or made invisible, as is the case in liberal theory; rather, difference is an axiological principle from which social transformation can occur.¹⁰⁹

¹⁰⁸Fraser, "From Redistribution to Recognition? Dilemmas of Justice in a 'Post-Socialist' Age", *New Left Review* 212 (1995): 83

¹⁰⁹Mouffe, *Democracy and Pluralism: a Critique of the Rationalist Approach* (Toronto: Faculty of Law, 1994), p.3.

iv) a politics of difference: towards an approach to governance

There are two typical ways of thinking about democracy and related political concepts.¹¹⁰ First, there are the traditional examinations of democracies and citizenship; these ignore marginalized groups which possess identities differing from the norm, and assume universalism and homogeneity in citizenship. Secondly, in contrast with traditional accounts, the new social movements and postmodernist theorists concentrate upon the differences in identities and the deconstruction of metatheories. However, as discussed, this method may not be anymore inclusive than traditional accounts, nor is it unproblematic. By focusing strictly on identity and deconstruction, these critiques of traditional theorists often reproduce universalism in a large number of smaller categories and simultaneously relinquish the cohesion of the political community¹¹¹. Although issues of governance are examined through difference - necessarily acknowledging the multitude of elements shaping the identities of the individuals within the citizenry - the proposed exploration in this research strives to reimagine citizenship without splintering the political community. This critical rethinking and redefinition of political spaces, public policy, and citizenship is essential to the configuration of a cohesive society which offers full-membership to all its citizens.

The focus on citizenship allows for the inquisition of the relation between the individual and the state. Through citizenship, feminist and identity politics approaches outline how the state favors a dominant group over others

¹¹⁰A. Phillips, Democracy and Difference, p. 1-21.

¹¹¹See among authors Iris Marion Young, Justice and the Politics of Difference, and the discussion in the third chapter of this paper which examines various ways that authors have proposed to transform citizenship and the polity.

through policies, rights and its institutions. By revealing the mechanisms which make citizenship an exclusive concept, it consequently becomes possible to attempt the transformation of citizenship, making it more inclusive. In order to come to terms with issues of differences, citizenship is being forced into a redefinition, finding ways to accommodate the multiple identities found in heterogeneous populations. Only when this redefinition is achieved will it be possible to conceive mechanisms of governance which promote, rather than negate social justice and equality. The following is a discussion of possible approaches.

Feminisms, which usually refers to the multitude of epistemologies used to understand, explain, and remedy the systemic oppression of women¹¹², influence the critical analysis of the state system and political concepts. With feminisms, a tradition of inquiry on relations of power emerges which constitutes a key element to the understanding of the politics of difference. Since feminists are critical of power relations and structures, feminist ideologies contribute greatly in the questioning and redefining of political concepts which are often taken for granted. In fact, "pretensions of universalism [in liberal theories] have been rightly criticized and the work of many recent feminist theorists has revealed how persistently such abstractions confirm the perspectives of a dominant group."¹¹³ In the liberal discourse, by overlooking power relations in the state and using normative procedures and rules applied to abstract individuals with abstract rights, traditional theories of the state have advanced this idea of the neutral state in

¹¹²Kristie McClure, "Issues of Foundations: Scienticized Politics, Politicized Science, and Feminist Critical Practice", Feminist Theorize the Political, p.343 - 352.

¹¹³A. Phillips, Democracy and Difference, p. 71.

which all citizens share a common identity and are treated equally, or in this case, the same.

However, unlike liberalism (which disregards how power relations shape and maintain the present institutions), feminism is critical of the foundations of systems and concepts such as the state or citizenship. It should be clear that the interest here in a feminist approach is not to promote a women-centered or gender-essentialist perspective, but rather for its informative capacities on relations of power. To delineate power relations and understand the mechanisms which uphold the state system is the basis for any transformative project; it is the necessary knowledge which allows for the formulation of alternatives to the present structures. Feminists, therefore, have the potential to contribute to this project of reconceptualizing citizenship. Mary Dietz insists that:

This task is neither easy nor short-term, but it is possible for feminists to undertake it in earnest because the foundation is already set in the movement's own experiences, in its persistent attention to issues of power, structure, and democracy, and in the historical precedent of women acting as citizens in [North America].¹¹⁴

Dietz qualifies her above statement by warning against *womanism* - a woman-centered approach, proclaiming that women are superior and should therefore, to rectify past injustices, replace the patriarchs of our society. It is one thing for feminist discourses to articulate the foundation for alternatives to the present political system; however, it is quite another to conclude that this is evidence of women's superior democratic nature. As Dietz strongly affirms: "A truly democratic defense of citizenship cannot afford to launch its

¹¹⁴Mary G. Dietz, "Context Is All: Feminism and Theories of Citizenship", *Daedalus* 116, 4 (1987): 17.

appeal from a position of gender opposition and women's superiority."¹¹⁵ This would definitely be a contradiction in term, since the objective is to democratize political spaces as a way to promote justice and equality; to present one category of individuals as superior to others undermines the entire project. Mouffe echoes a similar understanding; she claims that:

In the domain of politics, and as far as citizenship is concerned, sexual difference should not be a pertinent distinction...What a project of radical and plural democracy needs is not a sexually differentiated model of citizenship in which the specific tasks of both men and women would be valued equally, but a truly different conceptions of what it is to be a citizen and to act as a member of a democratic political community.¹¹⁶

That is not to deny that feminists address the issue of women's oppression. However, since the category 'woman' does not exist *per se* (as the above discussion on essentialism has clarified), it appears that feminists address the oppression of many groups of individuals with multiple identities; it is therefore not restricted uniquely to 'woman', but rather reflects multiple consciousness of which "the category *woman* is constructed in subordination."¹¹⁷ That is to say that although feminist discourses have, as a primary concern, the struggle for the equality of women, the fact that the category 'women' is multifarious allows it to address oppressions in a variety of forms for individuals who have different identities. It is in this capacity of outlining power relations which have remained hidden in, for example, the liberal discourse, that feminist analyses are informative.

Nonetheless, this should not be taken as reducing feminisms to the politics of democracy, freeing it from any reference to gender. Rather, this should be

¹¹⁵ibid.

¹¹⁶Mouffe, "Feminism, Citizenship, and Radical Democratic Politics", Feminist Theorize the Political, p.377.

¹¹⁷ibid, p.382.

understood as a method to avoid specifying a particular identity or content to the category 'women'. To specify what this category refers to would render the category essentialist and therefore exclusive, liable to produce factionalization within feminisms. This does not mean that the term 'women' should be abandoned. It is assumed here that feminisms presuppose that 'women' refers to field of differences, one that cannot be summarized by a descriptive identity category; it is therefore a site of permanent openness and contestable identities,¹¹⁸ necessary to any reconceptualization of a polity that want to grant social justice and equality across differences.

Postmodernist concerns are also central to this inquiry. Postmodernism, as discussed here, takes its root in the critical analysis of the traditional theories of the liberal-democratic state. "Postmodern critical theory commits itself to certain standards of validity in respect of what conduces to an open, democratic politics of voice and representation".¹¹⁹ Postmodernism has given a voice to dissident cultures which emerged from groups marginalized by the liberal and rights discourses. In essence, postmodernism, in its original form, is non-hegemonic, for it is void of an analysis of the social. To add to the earlier discussion on queer identity, it should be mentioned that both Seidman and Hennessy, in their analysis of the formulation of queer politics/theory, have acknowledged that queer identity was initially set in a postmodern framework emerging from a textual analysis. This postmodern interpretation based upon textual analysis presented queerness in a vacuum void of its social meaning and context. This was problematic for it made no

¹¹⁸Judith Butler, "Contingent Foundations: Feminism and the Question of Postmodernism", Feminist Theorize the Political, p.15.

¹¹⁹Anna Yeatman, Postmodern Revisionings, p.2.

sense of the sources of oppression experienced by the individuals who had found a voice in the postmodern discourse; therefore, this discourse provided no venue to remedy the oppression in question. Although postmodern analysis (in its original form) is incomplete, this is not to suggest that postmodernist discourse, as drawn from French poststructuralism, is wholly inappropriate. On the contrary, there are important elements to be salvaged from this type of analysis (e.g. fluidity in identity, power of knowledge, etc.). However, the latter must be infused with an analysis of power to become a tool of subversion of heteronormativity (in the case of queerness) or any other understanding of oppression.

To exemplify the necessary shift in focus in postmodern analysis, Hennessy proposes a commodification example. This instance clearly demonstrates what are the consequences of referring simply to textual or symbolic postmodern analysis, without turning to the social context in which a situation occurs, identity is defined, etc. As Hennessy points out, queer academics, by focusing narrowly on a postmodern analysis, ignore the link between sexuality and commodification. Similarly, groups like Queer Nation¹²⁰, that use postmodern ideology as a referent to their actions, fail to link their focus on the relation between sexuality and commodification to a the broader social and political context. Therefore, Hennessy asks, how do Queer Nation's actions disrupt the sources of oppression linked to the heteronormative context? She concludes that they do not subvert the

¹²⁰Queer Nation was founded in New York city in 1990 by a small group of activists frustrated with Act-Up's exclusive focus on AIDS. Queer Nation is committed to creating awareness and increasing queer visibility by engaging in activities such as inhabiting and subverting consumer pleasures in commodities. Tactics such as parading into suburban shopping spaces dressed in flamboyant gay attires, inserts a gay spectacle into the centers of straight consumption. For more details, please refer to Hennessy, p. 159-164.

heteronormative paradigm; rather they promote the development of new markets which "ultimately nourishes the commodity's gravitation toward the new, the exotic, the spectacular."¹²¹ In other words, Queer Nation's actions are actualized in a vacuum (outside a socio-economic background), leading to the reproduction of a bourgeois moment. Although Queer Nation aims to create awareness, increase the visibility of queers, and reterritorialize various public spaces - all valuable and legitimate goals - their activities only achieve at best, the inclusion of a specific strata of gays (e.g. privileged men) in consumer culture.

How, for example, can these privileged men alter the lives of those who do not have access to these resources as a result of their class or some other component of their identity? Moreover, by reducing commodity to an ideological icon, as it is done by the Queer Nation activists, the exploitation of those who have produced these goods is left invisible, as is the lack of access to these resources by some queers assumed to be included in the represented category. In fact, one needs to ask how race, class, ethnicity, etc. contribute to this understanding? Hennessy points out that the reason these other elements are not acknowledged is that queer theories are produced from a privileged position, mostly in a liberal or postmodern frameworks rather than radical or subversive one, and therefore can easily omit the incorporation of a greater social, historical and political setting which allows the possibility for a reflection of oppressions as truly experienced.

Although postmodern theory, in its original form, voices alternative visions, celebrates subjects and identities, and deconstructs metatheories, if it does not

¹²¹ibid, p.161.

incorporate an understanding of socio-historical setting, it remains ineffectual in the understanding of oppressions and removes any possibility for advancing necessary changes to remedy the oppressions in question. Nevertheless, postmodernism has been welcomed for its crucial contribution in the advancement of the aims of a radical democratic politics, for it provides latitude for the proliferation of political spaces, multiple identities, and various democratic demands.¹²² Postmodernism is used here not as a rejection of liberal-democratic politics, but rather for its contribution to the critical understanding of political spaces and the inclusion of traditionally marginalized voices. Its contribution is enhanced when accompanied by an understanding of the socio-historical context in which oppression is actualized.

Feminist and postmodernist theories can be said to have been the most influential political-cultural currents of the last decade. However, the alliance between these two traditions has been uneasy and, until recently rarely discussed.¹²³ The advent of postmodern theories have contributed greatly to the reevaluation of feminisms. As the above discussion on essentialism demonstrated, feminisms have been reevaluated and enlarged to become discourses more reflective of society or multiple voices; this is due to the influence of postmodernism, which does not advance one truth, but rather is critical of universalistic theories (such as the ones initially advanced in feminisms) and aware of traditionally marginalized voices. Although advocates of metatheories - who believe that "feminists must generate and

¹²²Chantal Mouffe, Democracy and Pluralism, p.1.

¹²³Nancy Fraser and Linda J. Nicholson "Social Criticism without Philosophy: an Encounter Between Feminism and Postmodernism", Feminism/Postmodernism, p.19. For further information on feminism and postmodernism; see other works within that book as well as Feminist Theorize the Political; and Anna Yeatman, Postmodern Revisioning...

sustain a notion of truth"¹²⁴ - have argued that postmodernism and feminism cannot coexist, the increasing importance of identity politics and the problematization of the category 'woman' (and queer) are evidence to the contrary.

Overall, the alliance between feminism and postmodernism has been beneficial. In fact,

feminist/postmodern models of differentiation tend to dispense with binary hierarchical models of difference (e.g. Western/Oriental; base/superstructure) and to substitute complex, multiple hierarchies of differentiation where ethnicity, race, gender and class mediate each other in specific, historically conjectural modes. Binary, hierarchical differentiation thereby emerges as the essentialist, logocentric characteristic of any relationship of domination.¹²⁵

It is from such an alliance between feminism and postmodernism that one can better understand what is at stake in transformative models of politics and put forward alternatives which address the issue of social justice and equality in a context of difference. By problematizing identity, examining the difficulties within liberalism in terms of neutrality and issues pertaining to particularities in identity, this chapter clearly illustrated the importance of acknowledging differences if liberal-democratic states are to uphold the principles of equality and justice central to their theory. Social justice and equality need to be considered as the pillars to any alternative to the liberal-democratic model of the state. Consequently, a new understanding of polity will have to be one in which equality can co-exist with difference and where social inequalities are eliminated to allow for equally empowered groups to take part in the formulation of public policy and the model of state. The following chapter engages in a theoretical discussion on the possible methods to reconceptualize the polity, in ways which account for the politics of

¹²⁴Jane Flax, "The End of Innocence, Feminist Theorize the Political, p.446.

¹²⁵Yeatman, Postmodern Revisioning...., p.18.

difference. It has been preceded by this chapter on the dynamics of difference. Without an understanding of the politics of difference, it is apparent that success in accommodating differences, a necessary precondition to the achievement of social justice, will not be attained.

III. RETHINKING CITIZENSHIP: LINKING DIFFERENCE AND GOVERNANCE - A THEORETICAL SURVEY

The challenge that difference poses to the present liberal democracies has to do with the fact that these political systems have not developed "patterns for relating across [...] human differences as equals."¹²⁶ Increasing pressures from marginalized groups striving for equality and justice have led to a situation in which it is now imperative that issues of inequality as a result of difference be addressed. To promote change requires a lot more than empowering voices and delineating concepts of power and privilege, as the discussion on identity politics suggested. To find a viable alternative to the present deficient state systems, it is important to think beyond the narrow positivist frameworks and determine how power and privilege will be shared.

This chapter explores theoretical possibilities towards a reconceptualized polity. It will attempt to point to reforms needed to allow for the inclusion of marginalized individuals and groups, or put another way, the positive recognition of difference. The three main political theorists examined here were chosen for their valuable contribution to the understanding of the struggle between universalism and particularism. All three theorists are feminists concerned with the marginalization of individuals with identity particularities; they attempt to reconceptualize public spaces in ways which bring the specific into the sphere of the universal without eradicating differences. Furthermore, unlike some theorists who negate altogether the liberal paradigm, all three stress the importance of liberal values as central to

¹²⁶Linda Carty, "Combining our Efforts: Making Feminism Relevant to the Changing Sociality", *And Still We Rise...*, p.16.

their reconceptualization of the polity. They each embody an approach to the issue of inclusion of the particular, into the reach of the polity from opposing angles, which converge in the end they attempt to achieve. The foundation of these divergent methods provide a wealth of information which contributes greatly to the overall focus of this paper: the understanding of more appropriate methods of governance of an increasingly diverse population, aiming to give way to a polity characterized by a high level of social justice.

i) The radicalization of the rights discourse: building a universal

Unlike postmodernists and radical pluralists, the first author does not attempt to avoid or eliminate universalism; rather, she is concerned about the inclusion of every individual in the polity. Zillah Eisenstein, in The Color of Gender: Reimagining Democracy, writes about the concept of radicalizing the rights discourse. She explicitly identifies with a version of equality that embraces "both the abstract and the specific, both homogeneity and heterogeneity",¹²⁷ and definitely everyone. She starts with the premise that our society is based upon a 'racialized patriarchy', which points to the interplay between race, gender and structures of power. In her words,

Patriarchy differentiates women from men while privileging men. Racism simultaneously differentiates people of color from whites and privileges whiteness. These processes are distinct but intertwined. Like any structuring of power, the racializing of gender is a process that always needs to be renegotiated.¹²⁸

As Eisenstein makes clear, for change to take place, one needs to understand the structures and mechanisms by which power and privilege are perpetuated. Eisenstein therefore advances a feminist perspective as she

¹²⁷Phillips, Democracy and Difference, p. 70.

¹²⁸Zillah Eisenstein, Color of Gender: Reimagining Democracy (Berkeley, CA: University of California Press, 1994), p.2.

aims to unravel the structures of power and hegemonic forces at play which make white men privileged individuals. It is, according to her position and in congruence with the view advanced in this essay, from an understanding of power relations that it becomes possible to articulate change.

In The Color of Gender, the proposed venue for change is through the radicalization of the rights discourse. As Eiseinstein rightly assesses, universal categories, such as that of the citizen, tend to eliminate what is particular to one's identity.¹²⁹ Thus, she attempts to deconstruct the universal categories of our present system, and recreate universal rights (which in part define citizenship) focusing on individual needs and including the 'specific' - elements which are particular to marginalized individual's identity.¹³⁰ Therefore, as a way to be inclusive, Eiseinstein attempts to focus on the lowest common denominator to embody the particular in universal categories. Thus, she starts from the margin or the 'specific' to redefine the center or the universal, as opposed to applying to the margins what holds true for the centre, as is the case of citizenship in the liberal discourse (e.g. citizenship was broadened from land-owners to present day universal suffrage).

Although Eiseinstein reverses the process of universalization of values and normalization of behaviors as they occur in the liberal-democratic states, Eiseinstein remains adamant about liberal values. She would certainly agree

¹²⁹ibid, p. 2 - 7.

¹³⁰Similarly, Himani Bannerji, in Returning the Gaze, states that "it is from the theorized experience of the most oppressed [...] that the possibility of most knowledge arises. Consequently, in the same way that Eiseinstein attempts to include women of color in her universalism, Bannerji reconceptualizes representation by relocating the universal in the margin as opposed to the centre. However, as it will be explained, Bannerji's work serves to point out the limits of Eiseinstein's approach.

that the problem with the present system is not the principles it aims to uphold e.g. individual freedom, equality and justice, but the inadequate way in which liberalism implements these principles. In fact, Eiseinstein remains focused upon individual freedom in her attempt to remedy the problem that the strong emphasis on individualism in liberal-democracies leaves no mechanism to accommodate group differences (or identities)¹³¹, nor can it recognize particularities in identities which are at the source of certain inequalities.

Eiseinstein provides us with an interesting method for reconceptualizing the universal; however, her application of it is disappointing. In her closing chapter, she applies her theory of conceptualizing the universal from the margin by examining the case of women of color. She claims that due to their race and gender, women of color are the most marginalized in society and therefore represent the specific. However, this is, in many respects, problematic. Ranking oppressions is an essentialist and privileged practice which fails to rightly assess a situation. Oppressions cannot be quantified; one can only be said to be oppressed, no matter what the sources of the oppression. Although it is logical that, from her framework of racialized patriarchy, Eiseinstein turns to women of color as representing the specific, to apply her model from that standpoint does not remedy the oppression of all, and therefore, does not render the specific universal. If other marginalized experiences are not represented in the oppression of women of color, how can

¹³¹As discussed in the section on identity, the liberal state does have certain mechanisms which attempt to examine inequalities on the basis of difference, e.g. rights to prevent discrimination or affirmative action programs. However, as it was concluded, because these reforms are framed within the liberal paradigm, they stop short of remedying the inequalities on the basis of difference, for they in no way challenge the dominant's group privilege.

the specific be fully incorporated into the universal rights framework? How can marginalization be completely eradicated by such a model?

Her framework does lead to the conclusion that women of color do have particular needs determined by their race and gender which are not shared by white women or black men who represent only one of the two variables she examines. However, this application is limited. It says nothing about identities which are defined by factors other than race and gender; her model does not address oppressions due to class, sexual identity, dis/ability, or any other component important to one's identity. Moreover, her model suggests that oppression resulting from race and gender is experienced identically by all women of color, for that is how she can successfully make their experience the common denominator from which universal rights are conceptualized. Since experiences of oppression are certain to be different even for people within a considered category, and oppressions have sources other than race and gender, Eiseinstein's model is far from complete and consequently does not embody the margin or the 'specific' within the universal.

The problem with this model goes beyond the use of essentialist and limited categories to define the specific. The common denominator from which her interpretation of the universal is launched is not shared by all. Eiseinstein uses reproductive rights as a common ground from which the radicalization of rights should take hold. The choice of reproductive rights as a category has more merit than, for example, abortion.¹³² However, even though most

¹³²It has often been the case that white feminists advocate abortion as a right, while by passing the reality that having access to abortions is a privilege and not a choice available to all women. White feminists are frequently unaware of the dynamics of the lives of women of color. These women are repeatedly targets for medically unsound abortions and sterilization, and do not have equal access to facilities for abortion.

women are confronted with the possibility of bearing a child, the focus on reproductive rights means turning to a feminist discourse based strictly on issues of maternity. Reproductive rights may well be a common issue for all women; however, a large number of women may not perceive these rights as a priority, nor a main component of their identity. One can even go further by questioning not only to which category of women does this denominator apply, but also ask how are men included? How are other groups for whom reproductive rights are not the crux of their identity and concerns included? How can this really be a lowest common denominator? As these questions illustrate, the possibility of finding a lowest common denominator to shape a universal category appears to be practically impossible. This explains why, although the concept of enlarging the universal and collapsing its rigid and specific boundaries is appealing, the idea is at best impractical, if not unfeasible.

ii) Radical plural democratic project: *collapsing* the universal

In contrast with the radicalization of the rights discourse, radical pluralists do not attempt to configure a universal category, but rather to *collapse* the universal into multiple centres of power. In opposition to Eisenstein, radical pluralists such as Chantal Mouffe start on the premise that universalism, as found in theories of modern democracy, is an obstacle to the accommodation of differences. For example, in the case of Canada, radical pluralists would claim that the rights provided in the Charter (which have been claimed by various individuals to remedy situations of discrimination and inequality) are not rights that can be universalized, since they express differences, e.g. no discrimination on the basis of race, gender, religion, etc. Thus, radical pluralists, to accommodate differences, insist upon radically democratizing

the political system - as opposed to rights - "extending the sphere of equality and liberty to many more social relations"¹³³ than in the present liberal democracies. In contrast to an enlarged universal system of rights, radical pluralists focus their attention on eradicating marginalization by making central the focus on relations of power. By uncovering relations of power which are for the most part hidden in liberal theories, radical pluralists want to give a voice to those who have previously been silenced by oppression.

Radical pluralists have included, within their framework, elements from postmodernist and feminist discourses, as well as liberal values. In fact, radical pluralism can be qualified as a discourse situated between the logic of universalism and the unquestioned embracing of differences; it attempts to deconstruct identities and accommodate differences while making sure that the political community remains a cohesive whole. The radical democratic project is critical of universalism and rationalism and advocates an anti-essentialist approach to identities. It perceives this combination as "the necessary condition for an adequate understanding of the variety of social relations where the principles of liberty and equality should apply."¹³⁴ In sum, it attempts to particularize the universal by recognizing political identities, while maintaining a polity which is cohesive.

The radical plural democratic discourse rests mainly on three pillars - pluralism, antagonism, and power. The pluralism found in the democratic project is not the traditional kind. As mentioned earlier, traditional pluralism refers to representation of multiple view points, or recognition of

¹³³Mouffe, "On the Itineraries of Democracy: An Interview with Chantal Mouffe", Studies in Political Economy 49 (1996): 145.

¹³⁴Mouffe, "Feminism and Radical Politics", p. 371.

the diversity of interpretations of the good in liberal society. In contrast, the new pluralism central to the radical democratic project does not refer to multiple opinions or tolerance of differences; rather it celebrates the differences in identities and gives a positive value to difference. Although this idea of accommodating differences shares a lot with a postmodernist interpretation, unlike postmodernists, radical pluralists do recognize the need to limit the pluralism and therefore qualify that pluralism is contained.

Radical pluralism is different from "extreme pluralism that emphasizes heterogeneity and incommensurability and according to which pluralism - understood as valorization of all differences - should have no limit"¹³⁵; this would be the case within postmodernist theories which have a tendency to deconstruct concepts until there is nothing left. Mouffe explains that

there cannot be a pluralism which accepts *all* differences. We must be able to determine which differences should exist within a liberal democratic regime, because those differences are necessary for the realization of principles of liberty and equality. [...] But necessarily, there are also differences which might exist but must be put into question, or should never be accepted, because these differences would create relations of subordination which are not acceptable within a pluralist democracy.¹³⁶

By recognizing all differences, as opposed to only the ones that are political and consequently linked to an issue of power, postmodern theorists deconstruct the community to the point of its disintegration; postmodernists leave nothing at the centre to hold the community together. Extreme pluralism, as found in postmodernist theories, is void of a political dimension. Without this notion of the political (whereby the only identities/differences recognized are those that are linked to an issue of power), "relations of power and antagonisms are erased."¹³⁷ This leaves the

¹³⁵Mouffe, Democracy and Pluralism..., p.4.

¹³⁶Mouffe, "On the Itineraries...", p. 136.

¹³⁷Mouffe, Democracy and Pluralism..., p.4.

extreme pluralism of postmodern theories to resemble the pluralism of liberal theories that it criticizes, for it is similarly void of the concept of power which is constitutive of differences and at the source of several inequalities. If pluralism is understood outside a theory of power, as it is by postmodernist and liberal theorists, such a perspective is unable to outline and remedy the sources of marginalization as a result of identity.

When the notion of the political is introduced, it becomes clear that "all identities, even democratic ones, are formed through contrast and exclusion. These are operations of power."¹³⁸ It is this notion that differentiates radical pluralism from other types of pluralism; this focus on the relations of power, and consequently the sources of oppression, allows for the necessary restrictions upon pluralism in a non-hegemonic way. Radical pluralists incorporate in their discourse a contained form of pluralism that is delineated by the political. In radical plural democracy, the political community comes to be perceived as a "discursive surface and not as an empirical referent. [This entails that] politics is about the constitution of the political community"¹³⁹, rather than politics being something that occurs within it. Consequently, the pluralism is limited to the recognition of differences and not the institutions themselves. Mouffe, in a more recent account, explains that the pluralism suggested in the radical democratic project "is opposed to cultural separatism. This is because [...there is], in a pluralist democracy, a consensus on ethical-political principles."¹⁴⁰ In other words, the antagonism central to the radical democratic project does not apply to the legitimacy of political institutions; there needs to be a consensus on the basic political institutions. The

¹³⁸Phelan, *Getting Specific*, p.121.

¹³⁹Mouffe, "Citizenship and Political Identity", p. 30.

¹⁴⁰Mouffe, "On the Itineraries of...", p135.

community is held together on the basis of these institutions which, however, need to be conceived in ways allowing for the recognition of differences in cultural terms.¹⁴¹

Therefore, in such a system, identities are acknowledged in as far as they are political. The political is to be understood as separate from government; it is a sphere of collective participation where interests are confronted, conflicts resolved, divisions exposed, confrontations staged and liberty secured.¹⁴² In a radical democracy, one would advance a component of her identity when politically there is a possibility and advantage or gain in doing so or, when put in a situation of conflict and the assertion of one's identity becomes unavoidable. Thus, radical pluralists perceive conflict as a necessary and positive component for the constant renewal and struggle around identities. Since conflict or antagonisms are the sources of the constant renewal and renegotiation within the polity, radical pluralists believe that political systems need to be democratized in ways which will render conflict the pivotal point of the polity. In a radical plural democratic system, people affirm their differences and continuously renegotiate the contested terms of their identities. This process of perpetual negotiations is what keeps the community together.

Mouffe's model of radical plural democracy is one in which plurality and conflict are considered the *raison d'être* of politics. This contrasts with liberal conception of conflict which view conflict as something that needs to be contained and eliminated, rather than an essential tool which renders

¹⁴¹ibid.

¹⁴²Mouffe, The return of the Political, p.57.

possible the cohesion of the community. The liberal conception is linked to the impression that consensus is at the base of political decisions. However, consensus is achieved when differences are negated, relations of power ignored and objectivity is perceived as possible; hence in a hegemonic context that is antithetical to the recognition of differences and the radical democratic project.

In sum, Mouffe's model serves as an important contribution in the understanding of the struggle between universalism and particularism. It proposes an understanding of a system which wants to achieve the recognition of differences within the confines of a cohesive political system. It proposes a move away from the totalizing discourses found in liberal democracies or nihilistic postmodern models. In fact, a radical plural democratic project is one that is concerned with the recognition of identities in a cohesive community which values justice, equality and freedom. It is anti-essentialist (contested identities) and anti-hegemonic (outlines relations of power). It advances the idea that universalism is not to be rejected, but particularized.¹⁴³ It suggests that differences are to be celebrated; however, not at the cost of the cohesiveness of the community. This explains the advancement of a contained form of pluralism, whereby all is antagonistic apart for a consensus on the political institutions upon which the system is based.

The difficulty with Mouffe's project appears to be in its application; her theoretical account leaves one wondering how this can be translated into reality. In fact, the possibility of reimagining the modern state leads to

¹⁴³ibid, p.13.

questions on the potentiality of the unity of a radicalized state embracing the recognition of identities. What is at stake is the conception of social unity and how this can be achieved in light of the challenges posed by the politics of recognition. In order to be able to recognize the pluralism of traditions and customs, as Mouffe explains, a democratic society's social unity "cannot rest on a shared conception of the meaning, value and purpose of life; nor can it rest exclusively on a convergence of self- or group-interest because such a basis of justification would not be stable enough." Thus, social unity will have to emerge from an "overlapping consensus on a reasonable political conception of justice."¹⁴⁴

Accordingly, one cannot advocate a conception of the common good or shared values which would rest on some sort of moral belief. However, since a shared meaning is needed to make the polity a cohesive one, it appears that this shared meaning will need to be based on an understanding of a political common good (as opposed to a moral one). In other words, "the principles of liberal democratic regime qua political association - equality and liberty,"¹⁴⁵ may in fact be a defining characteristic, whereby a universal adherence to the politics of recognition and democratic principles become a necessary condition for social unity. That is to say that in a contemporary state, what is at stake is a commitment to the political (advancement of the liberal political values of liberty and equality which are individual rights made possible through collective actions), rather than a moral and normative conception of the common good.

¹⁴⁴ibid, p.44.

¹⁴⁵ibid, p. 47.

More specifically, the radicalized state will be understood as composed of overlapping ethos. In this particular instance, an ethos is a condition of possibility for politics.¹⁴⁶ The ethos is a political articulation of one's identity, and consequently implies a renunciation of all claims of universalism (apart from the commitment to engage in the political). As Mark Blasius explains,

the ethos needs to be understood apart from its reduction by social science to the individual as a carrier of moral interests and values, [and] it also needs to be understood apart from mere aestheticism...Even though ethos incorporates such stylized comportment, it is at the same time an ethico-political category that, as a living ethical practice, gives rise to responsibilities while being voluntary and contingent, avoids the dualism of abstract normativism and moral relativism or nihilism.¹⁴⁷

In other words, the ethos allows for voluntary individual identification with particular collectivities; in turn, these collectivities may engage in the democratic negotiations to articulate needs, and undermine the site of powers which have traditionally oppressed the group which is recognized through that specific ethos. Through the ethos, individuals will come together in terms of political solidarity which is not based on a conceptual unity of sameness or identity. In fact,

under this conception [of the political unit], rather than *having* or *being* a certain identity, one engages in political acts of identity; "identifying" with someone, then, is used like *affirming* them as one's own, where this affirmation is always understood as a purposeful political act, and one which does not need to reinforce or line up in accordance with socially constructed categories of identity.¹⁴⁸

This coincides with the advancement of democratic rights or the articulation of a political common good qua political association: liberty and equality, and

¹⁴⁶The ethos is derived from the Aristotelian concept of *phronesis* which alludes to ethical knowledge dependent on the ethos. Mouffe contrasts the practical reason of Aristotle and Kant; she concludes that in an era of diversity, the Aristotelian notion of *phronesis* is more appropriate than the Kantian analysis of judgment to grasp the relation between the universal and the particular, Return to the Political, p.13-5.

¹⁴⁷Blasius, p.204 . See also p. 204-207 and 221.

¹⁴⁸This article presents an important criticism of identity politics. Tessman claims that advocates of identity politics repeat the same mistake as communitarians by advancing the idea of a homogeneous community. Lisa Tessman, "Who are my People?", International Studies in Philosophy XXVII, 1 (1996): 115.

serves as a framework to provide the articulation of differences while maintaining political cohesiveness.

Overall, in order to come to an understanding of a broad political framework, it is necessary that a concept of political common good be acknowledged as the foundation or source of a shared system. This conceptualization gives participants a sense of belonging and allegiance by recognizing and respecting their culture and identity in the public sphere;¹⁴⁹ thus, it provides space to articulate the ethos and a framework through which the political common good can be negotiated. Accordingly, core to the functioning of the radicalized state is a dialogue which articulates simultaneously individual and political liberty and equality, defends pluralism, while advancing a conception of the political "understood as the participation in a public sphere where interests are confronted, conflicts resolved, divisions exposed, confrontations staged, and in that way ... liberty secured."¹⁵⁰ Social unity will be guaranteed through a common commitment to the political, which repeats itself as a result of the respect for diversity and inclusion that it presupposes.

Although the radical democratic project is promising in the domain of recognition of differences, it is idealistic and probably unfeasible. For one, the dialogue or negotiations implied in the radical project presupposes the participation of all. Although the participatory component of the project is appealing, it is also problematic, for it makes "exceptional demands on the self (for maturity, autonomy, and discursive engagement)"¹⁵¹. To counter

¹⁴⁹Tully, p. 205.

¹⁵⁰Mouffe, Return to the Political, p.57.

¹⁵¹Mark E. Warren, "What Should We Expect From More Democracy? Radically Democratic Responses to Politics", Political Theory 24, 2 (1996): 243.

this issue, some feminists have proposed models of participation that are local and more grassroots and therefore tend to attract people who are not usually active in political processes.¹⁵² One may also speculate that there would exist differentiated methods to engage in the negotiations. The differentiated method of participation would be purposely advanced to accommodate the diversity of groups and individuals wanting to be included. For example, in Canada, Aboriginal Peoples may enter the dialogue on a nation to nation basis through treaty relationships established with the Crown; women and ethnic minorities may seek to participate in the present institutions on their own terms (e.g. they could put forth demands for representation in the present institutions - legislative and decision-making bodies, as well as the judicial system).

However, whether these type of arrangements are possible on a wider scale, and whether individuals want to engage in politics if given the opportunity, are the sort of questions which need to be addressed by advocates of the radical democratic project. Moreover, the feasibility that a consensus on the political mechanisms is sufficient to hold together the community also needs to be considered. Democracy is not per se an expression of community, of a "we"; it is a response to conflict.¹⁵³ Can it therefore be central to the cohesiveness of the community? Will the nation still have a role? Will the new communities be located on a specific territory? What will allow for community if an adherence to political institutions is not sufficient to give its

¹⁵²For more discussion on the topic, refer to Vickers et al., Politics as if Women Mattered: a Political Analysis of the National Action Committee on the Status of Women (Toronto: University of Toronto Press, 1993) which discusses a model of parliament for women, especially p.198-202.

¹⁵³Warren, p.255-6.

members an identity? Is it conflict that is central to this system; and if so, how can conflict be generative of community?

Even though numerous questions about the radical democratic project are at this point unanswered, Mouffe proposes interesting suggestions in terms of how pluralism can be contained and differences asserted; these need to be valued within the context of any reconceptualization of citizenship and the polity, as well as in the reformulation of public policy. These considerations are necessary to avoid the continued marginalization of individuals.

iii) Differentiated citizenship: compartmentalized universals?

Like the two previous authors, Iris Young is concerned with the marginalization of certain groups in our society and attempts to reconceptualize a political community which would acknowledge the needs and interests of those who are oppressed by the present system. Also in common with Mouffe and Eiseinstein, Young favors the liberal values of equality and justice which she seeks to put forth in her reconceptualization of citizenship. As a feminist concerned with issues of power, Young is critical of the structures and institutions of power which uphold liberal-democracies. She clearly delineates how the state, through abstract and neutral concepts advances the interests of a dominant group in society. As she explains, the social fabric of modern societies is complex; however, the idea of impartiality of the state pushes individuals towards the homogenization of characteristics, and normalization of behavior which denies differences in three ways. First, to advance formal equality, it treats everyone according to the same moral rules, devoid of any particularity. Secondly, through procedure and impartiality, it denies values by excluding feeling and desire which are at the

core of what differentiates individuals. Lastly, it universalizes by reducing the plurality of moral subjects to one subjectivity - the norm.¹⁵⁴

As a postmodernist, Young favors the acknowledgment of identities as a central component of her project. Since she believes representation of differences would mediate or eliminate inequalities between oppressed and advantaged groups, Young proposes a focus on the politics of difference as a starting point to any reconceptualization of the political community. She is critical of liberalism which denies differences through its emphasis on the individual as an entity with universal rights. Although community is usually presented as the binary opposite to the individual, Young advances the model, not of an ideal community, but rather the model of the non oppressive city which offers an understanding of social relations without domination.¹⁵⁵

In fact, she is critical of the concept of community that she perceives as reproducing homogeneity. As she explains, "the ideal community presumes subjects can understand one another as they understand themselves. It thus denies the difference between subjects. The desire for community relies on the same desire for social wholeness and identification that underlies racism and ethnic chauvinism on the one hand and political sectarianism on the other."¹⁵⁶ In contrast with liberalism which denies difference by positing the individual as a self-sufficient unit which does not have needs for anyone else, the community denies difference by positing fusion rather than separation as

¹⁵⁴Young, Justice and the Politics of Difference, p.100-101.

¹⁵⁵Young, "The Ideal of Community...", p.303.

¹⁵⁶ibid, p.302.

the social ideal.¹⁵⁷ Thus, "traditional understandings of community as the alternative to the impersonal state can reproduce a homogeneity that usually conflicts with the organization's stated commitment to diversity."¹⁵⁸

Therefore, Young's model is neither the status quo nor a concept of ideal community; rather she proposes a model which celebrates heterogeneity and differences, a kind of public life in which groups try to build on an understanding of each other and do not just press their own specific claims.¹⁵⁹ Young proposes the idea of the city as a starting point for the understanding of the politics of difference. The advantage of city life is that it allows for a certain anonymity which gives individuals who are deemed as deviant in close-knit communities some measure of freedom. For example, people which are labeled Other, in contrast to the identified norm, e.g. Blacks, lesbians, dis/abled persons, etc., may feel more at ease and included in a vast and diverse community which embodies heterogeneity. In fact, according to Young, the city embraces difference without exclusion. Therefore,

as a process of people's relating to one another, city life embodies difference [...]. The city obviously exhibits the temporal and spatial distancing and differentiation that [...] the ideal community seeks to collapse. [...] City life thus also embodies difference as the contrary of the face-to-face ideal expressed by most assertions of community. City life is the "being-together" of strangers. Strangers encounter one another, either face to face or through the media, often remaining strangers and yet acknowledging their continuity in living and contributions each make to the others.¹⁶⁰

From the city life setting which gives group differentiation a place for interaction, Young advances the institutional means for affirming differences; she proposes political group representation. Her argument is that

¹⁵⁷ibid, p.307.

¹⁵⁸Iris Young quoted in Phelan, Getting Specific, p.80.

¹⁵⁹Phillips, Democracy and Difference, p.70.

¹⁶⁰Young, "The Ideal of Community...", p.318.

by institutionalizing the representation of different groups, political influence will be equalized among advantaged and oppressed groups. Group representation will serve as a mechanism to promote a communicative ideal between groups. In *communicative democracy*, discussion between groups occurs under conditions of equality and freedom from domination; this should consequently lead to just outcomes in decision-making. Young believes this to be an ideal process in a situation where oppressed and privileged groups interact on more equal terms.¹⁶¹

The model of the city does offer a promise of anonymity for traditionally marginalized individuals, but does it offer the possibility of equality of voice? How will oppressed and advantaged groups in the present liberal democracies find themselves on an equal footing in order to take part in a communicative democracy? If one turns to the discourse on the public sphere which Nancy Fraser engages herself in,¹⁶² several limits to Young's model can be pointed out. The liberal conception of the public sphere, according to Fraser, is based upon some problematic assumptions, one of which is of interest to this discussion: it assumes that individuals can bracket their differences to interact as equals.¹⁶³ Although Young does not advocate relinquishing differences to the private sphere, she does not allow for tools to have people interact as if they were equals. As Fraser explains, unequally empowered groups tend to develop unequally valued cultural styles; the contributions of subordinate groups are usually marginalized. Therefore, unless social inequalities are eliminated prior to the engagement in communicative democracy, it is likely

¹⁶¹Young, "Justice and Communicative Democracy", Radical Philosophy: Tradition, Counter-Tradition, Politics (Roger S. Gotlieb, ed., Philadelphia: Temple University Press, 1993), p.126.

¹⁶²Fraser, "Politics, Culture and the Public sphere..."; "Rethinking the Public Sphere..."; and "From Redistribution to Recognition?..."

¹⁶³Fraser, "Politics, Culture, and...", p. 287-295.

that the presently subordinated groups would not fare better in Young's model of the city.

Moreover, Young in no way acknowledges the socioeconomic injustices which may, in several instances hamper participation. By combining redistribution and recognition in one single equation, Fraser addresses the problem of injustices not only at the cultural level e.g. non recognition of differences, but also at the socioeconomic one.¹⁶⁴ Economic background is often closely linked to the silencing of voices. Women remain in abusive relationships as a result of economic circumstances; the homeless rarely have a voice, among other reasons, because they are at the lowest rank of the socioeconomic ladder. If these injustices are not addressed, how can individuals participate on equal basis in the deliberative process?

Furthermore, questions as to which groups will be represented, who will be included in the represented groups, how will representation take place, how can all be represented when only a selected number of differences are given a voice, all have to be asked. In fact, Young can be criticized for group narrowness and closure. Although she attempts to remedy the situation of undifferentiated humanity (e.g. universal concept of citizenship), she ends up not radically altering the situation, for only a selected number of groups may be chosen to speak for themselves. In her attempt to celebrate selected differences, Young appears to be perpetuating universalism within compartmentalized identities. The fact that there will be a selected number of groups represented entails that individuals will have to conform to represented categories to have a stronger voice. Even though the choice of

¹⁶⁴Fraser, "From Redistribution to Recognition?...", p.71 -81.

which identity one will assume is wider (not limited uniquely to the identity of citizen), the boundaries of the categories into which one has to fit will be as oppressive as that of universalism. Moreover, although the categories allow for an increased number of centres of power, they in no way guarantee against exclusion, as Young has claimed, nor do they allow freedom in asserting one's identity. Even by offering anonymity and increased diversity, the city does have marginalized groups, e.g. the homeless, lesbians, racial groups, prostitutes. Their exclusion may at time be tempered by finding a place where there are a certain number of them; but cities are not necessarily enlightened enough to fully accept differences at all times.

Lastly, behind the assumption that one's group has a voice representing it, there appears to be an assumption for mirror representation.¹⁶⁵ One of the dangers of mirror representation is that it tends to absolve representatives from advancing the interests of others with whom they do not share characteristics. The claim that men cannot understand women, whites cannot understand Indians, heterosexuals cannot understand homosexuals, etc., and consequently should not attempt to represent or speak for them, can become an excuse to not represent identities other than one's own.¹⁶⁶ Does this promote healthy and constructive debate upon which the terms of the polity can be renegotiated and conflicts resolved? The problem with

¹⁶⁵See Hannah Fenichel Pitkin, The Concept of Representation (Berkeley: University of California Press, 1967); and Pitkin ed., Representation (New York: Basic Books, 1969).

¹⁶⁶A the practical example is found in the New Zealand Parliament, where a number of seats have been put aside for the Maori; non-Maori have taken this as a sign that they no longer need to represent the Maori. This, of course, has not had a positive impact upon the advancement of Maori interests. Consequently, the presence of a group in an institution should not absolve others from their responsibility towards that group's interest. Unfortunately, mirror representation tends to promote this. See Anna Yeatman, Bureaucrats, Technocrats, Femocrats (Sydney: Allen & Unwin, 1990); and Augie Fleras and Jean Leonard Elliott, The Nations Within (Toronto: Oxford University Press, 1992).

institutionalized representation of groups is that to have a cohesive political community, it is important that groups be capable to transcend their identities; without this transcendence, decisions are not the result of communicative democracy, but rather remain framed in the zero-sum liberal model. Group representation does not promote transcendence of identity; it tends to do the exact opposite: essentialize identities.

Overall, Young falls into the same trap she warns against, by asserting a model of group representation which will most likely homogenize its members - in the same way that a community does - and deny some differences - for it cannot encompass everyone. Nonetheless, Young's criticisms of the community are an important contribution and her city model may deserve to be developed further by taking into account the various objections brought forth.

iv) What universal? What difference?

This section examined three proposals to reconceptualize citizenship and the political community. Although a variety of other models could have been explored, the three examined here were all chosen for their important contribution in demonstrating strengths, weaknesses, drawbacks, and positive outcomes of various methods and ideas for linking difference and governance in a context aiming towards more social justice. All three models advance liberal values of justice and equality; however, unlike the present liberal democracies, they attempt to eliminate inequalities and injustices, not through the promotion of parity in participation, but through the recognition and incorporation of differences. These proposals should have contributed in

answering the following: what is the role of differences in politics? And what should be universal in alternative models to liberalism?

There is a definite need to establish an alternative model of politics which will further social justice. Mouffe made clear that the recognition of 'universal' mechanisms and tools of politics recognized by all members of the polity are necessary, although maybe not sufficient, to insure the cohesion of the polity. It is also possible to assert, from both Mouffe and Eiseinstein's models, that rights are not of themselves a mechanism capable of eradicating the gross inequalities experienced as a result of particularities in identity. In terms of differences, all three theorists have demonstrated that the role of differences is central to any reconceptualization of politics. Certainly, justice and equality cannot be achieved without the recognition of particularities in identity.

Since the theoretical discussion, at best, has given a broad sense of what is needed to successfully govern populations marked by "deep diversity", it is important to frame these principles in a more practical setting. The following chapter will first link identity and violence as a way to exemplify how liberal-democratic states marginalizes individuals who differ from the norm. It will then turn to the role of public policy, bringing together the dynamics of identity and the theoretical findings of the above discussion into a framework for understanding the politics of difference in a reconceptualizes polity.

IV. TARGETS: LINKING IDENTITIES, VIOLENCE, AND PUBLIC POLICY

One of the role of academics is to understand processes, systems, and institutions, and provide a framework for social change. This essay is an exploration of avenues towards the conceptualization, not to say actualization, of a polity capable of governing through differences in a context that provides justice and equality. Situations of marginalization for individuals with particularities in identity have been discussed and the dynamic processes of state and social power that were at the source of this marginalization were critically analyzed. This chapter is a reflection upon these findings. It briefly examines an issue of public policy (violence) and articulates the relationship between state, citizenship, public policy and difference. Furthermore, it attempts to outline considerations for future research. The intention of this exercise is not to give a detailed and complex analysis of violence against individuals with particularistic identities, but simply to present violence as one example of how marginalization occurs and the possible ways to remedy it. In terms of inclusion, serious limits to the liberal-democratic model of state have been defined. Although the political system cannot be instantly revolutionized to resemble a model of polity inclusive of all, it is important to understand how the present state policies and actions marginalize. This understanding may be key in helping to transform the polity through the implementation of policies which reflects increasingly a politics of difference.

Violence will be presented here as an extreme form of the marginalization of individuals with particularistic identities. It will be argued that this

marginalization, most often enacted by individual actors, is rooted in normative systems (such as sexism, racism, and heterosexism) that are supported, perpetuated and reinforced by the state. Although the state is not the only contributor to this cycle of violence, the focus is on the state for this is the institution most likely capable of bringing about change. Moreover, it will be suggested that violence needs to be understood as a term encompassing not only physical harm, but marginalization in general. This understanding of violence is necessary to abate violence against the other. If violence is not understood as inclusive of both physical harm and societal marginalization or exclusion (e.g. discrimination in housing on the basis of race, denial of legal recognition of same-sex unions, lost employment following a maternity leave, etc.), no efforts towards the reduction of this particular type of violence will be successful.

Although it has been maintained throughout this essay that being defined as the Other encompasses much more than gender, race, and sexual identity, for the purpose of coming to terms with the institutionalization of violence,¹⁶⁷ this chapter limits itself to these three components. An explanation of this choice is that evidence of the three are more comprehensively addressed in the literature. That is not to say that these are the only areas where the marginalization occurs. In fact, further research, beyond these three

¹⁶⁷In some instances, as Pincus' model of racial violence exemplifies, violence has been divided into three distinct spheres: individual (one on one violence); institutional (refers to discriminatory policies within institutions, e.g. segregation laws); and structural (refers to race neutral policies which discriminates against minorities). (See Fred L. Pincus, "From Individual to Structural Discrimination", Race and Ethnic Conflict: Contending Views on Prejudice, Discrimination, and Ethnoviolence (eds. Fred L. Pincus and Howard J. Ehrlich; Boulder, Co: Westview Press, 1994). However, for the purpose of this chapter, institutional violence is taken to encompass both violence of omission and commission of violence as present within the state structures; the distinction is therefore simply what happens directly at the state level as opposed to the individual level.

categories is needed but this is not the purpose of this chapter. Furthermore, the emphasis will be more specifically on anti-gay violence¹⁶⁸. Empirical research (although still at this point rather sketchy, for there is evidence suggesting that hate crimes are overly underreported) have suggested that anti-gay violence is the most rampant type of hate crime.¹⁶⁹ This fact, combined with the apparent resistance from the general population to stop discrimination and violence against gays and lesbians indicate that anti-gay violence is a reflection of the forces at play (e.g. heterosexism among others) discussed in this essay.¹⁷⁰ It consequently seemed appropriate to emphasize

¹⁶⁸Coming to terms with the terminology that should be used in this chapter to reflect the violence resulting from heterosexism has not been an easy process. My choice of emphasizing the term 'anti-gay violence' is not, for me, at all satisfactory; it appeared the best i could do with the existing vocabulary. Most of the literature refers to violence against lesbians and gay men; this leaves me wondering how those who are transgendered, transvestite or bisexual are included; and how those attacked for being identified as gay, although heterosexual, are being named? i was tempted to call this violence "gendered violence"; however i feared this would lump together violence resulting from sexism and heterosexism. Although these two forms of violence are closely intertwined - evidence of this is violence against lesbians can hardly be distinguished from violence against women (it is difficult to measure them as two different things), the two are somewhat different and merit being treated as such. i refrained from using violence against queers, for although i can identify the merits of the queer political project, i certainly cannot completely overcome the stigma that has historically been attached to the word; it seems that when dealing with 'real' people, as opposed to a political project, that the use of queer leaves, in my mind, a distance as to whom exactly we referring to (Who chooses to call themselves queers outside a political endeavor?). Maybe "queers" can call themselves queers among themselves as a way of reclaiming the terminology; but to successfully use the term queer in an essay such as this one, society needs to overcome the stigma associated with it. The anti-gay discourse of the Right indicates to me that large segments of society are not ready to accept homosexuality and the fear is that the use of the term queer will stigmatize further rather than promote a just understanding of violence against non-heterosexuals. My last option, apart from the one i have chosen, was to coin this violence "violence against non-heterosexuals". The term was more inclusive than violence against lesbians and gay men, but it defied the purpose of this entire essay. Throughout this essay, i have struggled to reconceptualize the political outside the binary propositions or dichotomies most discourse offer. To use the term "violence against non-heterosexuals" would therefore have contradicted my own agenda.

¹⁶⁹Berrill and Herek, "Primary and Secondary Victimization in Anti-Gay Hate Crimes: Official Responses and Public Policy", Hate Crimes: Confronting Violence ..., p. 293.

¹⁷⁰This is closely linked to the popular perception that sexual identity is the result of a wrong or bad choice. Please refer to chapter 2 which presented a discussion on the validity of sexual identity as an organizing principle around which power is structured. Also refer to the discussion by Jean Carabine on the uneasy alliance between public policy and sexuality. See "A Straight Playing Field or Queering the Pitch?", Feminist Review 54 (1996): 31-64.

the case of anti-gay violence, since the purpose of this chapter is to come to terms with the underlying and often subtle forces at work in the production of marginalization.

**i) Institutionalization of marginalization:
sexism, racism, and heterosexism**

The position advanced here is that violence is the result of institutionalized sets of attitudes and values. This section examines the institutionalization of values which give rise to the unquestioned and widespread adoption of sexism, heterosexism and racism. It will be argued that through their institutionalization, certain values, such as those present in sexism, heterosexism and racism, have come to be perceived as 'natural'. However, their feigned naturalness covers up power relationships which allow for their perpetuation and which are at the root of the marginalization questioned here. In other words, what this section will suggest is that marginalization as a result of gender, sexual identity and race stems from norms and customs embedded in the institutions of liberal-democratic states and societies; therefore, it is not surprising that these instances of marginalization occur without being recognized as reflections of these cultural norms.

Feminist theorists have long advocated the problem of sexism being meshed within institutions. At the societal level, "sexual violence is used by men as a way of securing and maintaining the relations of male dominance and female subordination, which are central to the patriarchal social order."¹⁷¹ Male violence reinforces female subordination. It is in fact not surprising that as

¹⁷¹Jill Radford and Elizabeth Stanko, "Violence Against Women and Children: the Contradictions of Crime Control under Patriarchy", Women, Violence, and Male Power (Eds. Marianne Hester, Jill Radford and Liz Kelly, Philadelphia: Open University Press, 1996), p. 65. See also the works of MacKinnon (refer to bibliography).

women have gained greater equality in the public sphere, domestic violence against women has risen; as women are gaining greater autonomy, male violence has served in attempting to maintain women in their subordinate position within the private sphere. Sexism is also prevalent within the state institutions. In terms of domestic violence, Catharine MacKinnon has argued that "public law allows and legitimates men's abuse of women in private."¹⁷² Her claim is that the public-private divide (which was discussed in chapter 1) gives men the necessary space to engage in such abuse, for the state is not mandated to govern the private sphere. As suggested by some feminist criminologists, part of the problem in recognizing all facets of violence against women is that crime control is geared towards resolving problems in the public domain, not in the private sphere where most of the violence against women takes place. Crime prevention tends to focus on security against strangers, while violence against women often is actualized by acquaintances and predominantly in the confines of homes.¹⁷³

In congruence with MacKinnon's statement, Nickie Charles concludes from her case study on domestic violence in Wales, that there is a disjuncture between the legal rights of women and the state resources made available to uphold these rights.¹⁷⁴ The problem is not with the fact that women do not have rights; what Charles points to is that the needed resources and awareness to deal with the problem of domestic violence are not granted by the state. For example, as a result of economic dependency, there may be no way for some women to escape abusive relationships. If women are not

¹⁷²MacKinnon, Feminism Unmodified, p.100.

¹⁷³Radford and Stanko, p. 75-76.

¹⁷⁴Nickie Charles, "Feminist Politics, Domestic Violence, and the State", Sociological Review 43 (1995): 618, and 636-637.

given the opportunity to go to a shelter or refuge to escape an abusive relationship, women will often remain within the abusive home. This insufficiency in the mobilization of resources reflects the lack of willingness on the part of government to address such issues. Violence against women is rampant and goes for the most part unchecked and frequently unpunished due to the sexism which is intertwined in the fabric of our society, as well as that of the state's institutions, which does little to condemn this violence.

The treatment of women in the justice system for cases of rape also illustrates how sexism defines sexual violence. There are several ways through which the experiences of sexual violence are invalidated. Sexual violence, as defined in laws, excludes from crimes against the person all but extreme forms of violence.¹⁷⁵ Laws construct a very limited definition of sexual violence which is not representative of the lived experiences of most women. As Liz Kelly and Jill Radford conclude in their study on sexual violence, the way laws are defined "plays a significant role in denying or trivializing women's experiences of male sexual violence."¹⁷⁶ The common conception of what rape consists of is a situation in which a woman is attacked at night in a public place by a man who uses force, and preferably a weapon, to coerce the woman into having intercourse. This of itself trivializes cases in which women know their assailant (e.g. date rape, harassment at the office, or marital rape (which is not recognized as an offense in several jurisdictions) and cases in which women have been abused, but not penetrated. The cases that Kelly and Radford examined illustrated the range of abusive behavior women encounter from men which is minimized, not named directly, and

¹⁷⁵Liz Kelly and Jill Radford, "Nothing Really Happened: The Invalidation of Women's Experiences of Sexual Violence", Women, Violence and Male Power, p. 19-21.

¹⁷⁶ibid, p.19-22. For cases used to come to this understanding, please refer to pages 22-30.

legally not defined as rape or violence even though these women have been threatened, terrorized, harassed and violated.¹⁷⁷

Similarly to sexism, heterosexism is manifested in societal customs and institutions. Heterosexism "is defined here as an ideological system that denies, denigrates, and stigmatizes nonheterosexual form of behavior, identity, relationship or community."¹⁷⁸ As a result of heterosexism, the social location of individuals with a non-heterosexual sexual identity is underprivileged. Criminal statutes in more than half the states in the United States prohibit the sexual relations between consenting lesbian/gay adults; the union of same-sex couples is not recognized legally; lesbians and gay men encounter problems in securing and maintaining housing and may also face discrimination in employment, and often loose custody of children if previously married.¹⁷⁹ These occurrences are all reflections of the devaluation of nonheterosexuals. As Gregory Herek claims, "anti-gay violence is a logical, albeit extreme, extension of heterosexism that pervades American society"¹⁸⁰.

Anti-gay violence in liberal democratic states cannot be understood apart from the institution of heteronormativity, nor can violence against women and people of color be understood apart, respectively, from sexism and racism. So the question is not so much why homosexuality, races (other than white) and the feminine gender are stigmatized in the liberal democratic

¹⁷⁷ibid, p.31.

¹⁷⁸Gregory M. Herek, "Psychological Heterosexism and Anti-Gay Violence: The Social Psychology of Bigotry and Bashing", Hate Crimes: Confronting Violence..., p. 150.

¹⁷⁹Gary David Comstock, Violence Against Lesbians and Gay Men (New York: Columbia University Press, 1991), p.110 and Herek, "The Social Context of Hate Crimes: Notes on Cultural Heterosexism", Hate Crimes: Confronting Violence..., p.89 - 93.

¹⁸⁰Herek, "The Social Context...", p.89.

society, but how are heterosexism, racism and sexism are transmitted through cultural institutions such as the criminal justice system and its laws, religion, or the mass-media. In the United States, for example, heterosexism is found in religion (which allow only for heterosexual marriages) and in law, (in which discrimination on the basis of sexual identity for housing, employment and other services is not prohibited; and homosexual unions are not given any legal status) and in the mass-media (where lesbians and gays are at best infrequently represented and when they are, usually the context is negative).¹⁸¹ All of these point to the reinforcement of heterosexism through specific actions embodied in the various institutions.

Numerous studies on heterosexist violence have concluded that gender role socialization is an important component explaining such violence.¹⁸² The ideology of gender which is at the root of sexism and heterosexism, is learned at a young age. Masculine and feminine roles are defined and internalized, at an early age, leading to their naturalization. Heterosexism is nothing more than the application of 'normal' masculine and feminine roles.¹⁸³ Thus, gay men and lesbians are portrayed as breaching these set roles, as is an independent successful career woman. More particularly, in the case of heterosexism, lesbians and gays are not the only one who are affected by the violence. Anti-gay violence can be geared towards heterosexuals who may not appear to be conforming to the masculine or feminine gender role. Thus, whether one is homosexual or heterosexual, behaviors of gender need be monitored, for one may be randomly stigmatized or victimized for appearing to be a non-conformist to these set roles regardless of her true sexual

¹⁸¹ibid, p.89-93.

¹⁸²Please refer to the works of Comstock and also to those of Herek.

¹⁸³Herek, "The Social Context...", p.97.

identity.¹⁸⁴ This is what is at stake when advancing the idea that behaviors stems from set norms which compel individuals and state institutions to marginalize individuals with identity particularities.

Empirical studies have found that the perpetrators of anti-gay violence are predominantly young white males of middle-class background, successful in school, involved in school or community activities, and with no previous criminal record.¹⁸⁵ Both Herek and Gary Comstock have provided extensive data on psychological backgrounds and behavioral theories that attempt to come to terms with the significance of why the perpetrators of anti-gay violence overwhelmingly correspond to the above description. It appears that for the teenage population, preoccupation around gender role conformity is central to their lifestyle and of greater importance than family life and academic success. Moreover, young men in particular tend to seriously adhere to sex roles; they feel compelled to conform to them and punish those who do not. As Comstock explains, anti-gay violence has been justified through a "boys will be boys" attitude¹⁸⁶; in other words, it is justified punishment towards those who do not conform to the rigid sex roles.

In sum, anti-gay violence, and violence against women, are reflections, albeit in their extreme, of the embedded value systems of sexism and heterosexism prevalent in all institutions and customs in society. Although racism was not exemplified in this section, it should be mentioned that the conclusion drawn

¹⁸⁴ibid.

¹⁸⁵Comstock, p.106. See also Berrill, "Anti-Gay Violence and Victimization in the United States: An Overview ", Hate Crimes: Confronting Violence ..., as well as part III of that book which focuses on perpetrators; Jeff Peters, "When Fear Turns to Hate and Hate to Violence", Human Rights 18 (1991): 22-25.

¹⁸⁶Comstock, p.105.

from the discussion on how heterosexism is at the root of the marginalization experienced by individuals with particularistic sexual identities, can be expanded to encompass issues of racism. The logic was in fact appropriated from racial understandings of discrimination. Comstock even concludes that violence against the Other, committed by teenagers, is the result of the same motivations (e.g. adventure, recreation, relief from boredom, peer pressure, thrill of hurting and scaring), whether geared towards race, gender or sexual identity. However, anti-gay violence differs in two respects. Victims of anti-gay violence are more often seriously injured or killed; and the perpetrators of such violence often justify their actions by referring to parental expectations, religious teachers, and social standards.¹⁸⁷ It is these value or normative systems that we now turn, for the following section explores how hate crimes are in fact measures which reflect and reinforce the rampant sexism, heterosexism and racism found in state and societal institutions.

ii) Violence revisited: physical harm and disciplinary mechanism

The violence addressed in this essay happens at two levels. First, it is concerned with, but not limited, to physical harm. Second, it will be argued that although the experience of violence may start with actual physical harm inflicted by another individual as a result of his¹⁸⁸ prejudice, the violence does not stop there. It continues when the crime is reported and the authorities, public officials and law enforcement personnel remain indifferent, or dismiss the violence as trivial. This violence is furthered

¹⁸⁷ibid.

¹⁸⁸The term 'his' was used here for most perpetrators of hate crimes are male. In terms of gender role, young women limit their rebellion to leaving the home or destructive behaviors against themselves, while young men engage in violent and aggressive behaviors, punishing non-conformity to gender roles. See Comstock, p. 106-108.

when employers, landlords, and on some occasions, family and friends, discriminate on the basis of that identity.

Violence against women, individuals of various races, and lesbians and gays, are hate crimes, not because the attacker's primary motive is hate, but because the attack expresses and reinforces cultural hostility, condemnation and stigmatization towards the group that the victim represents. Violence is a mechanism to have individuals comply with a specific set of norms. Therefore, as Kevin Berrill and Herek explain in terms of anti-gay violence, "each anti-gay attack is a punishment for stepping outside culturally accepted norms and a warning to all gay and lesbian people to stay in "their place", the invisibility and self-hatred of the closet."¹⁸⁹ Consequently, every action resulting in violence, discrimination or stigmatization that reinforces the underlying normative systems of heterosexism, sexism and racism, are a concern to all, for they make each one of us victims while coercing us into complying with these norms for fear of retribution.

However, beyond this primary victimization is the problem of secondary victimization which, as understood here, is as much part of the cycle of violence as primary victimization. Secondary victimization is based on the willingness of society to condone behaviors which marginalizes those who differ from the norm. For example, the widespread condoning of male violence in the justice system must be seen as a reflection of more general societal views.¹⁹⁰ Substantiating the condoning of male violence in the

¹⁸⁹Herek and Berrill, "Introduction", Hate Crimes: Confronting Violence ..., p.3

¹⁹⁰Sue Lees, "Unreasonable Doubts: Outcomes of Rape Trials", Women, Violence, and Male Power, p.102.

justice system is the evidence that a very small percentage of rapists are convicted.

Sue Lees, making use of empirical data on rape cases (Islington research), examined the different ways in which male privilege was advanced to the detriment of women's experience of sexual violence. Lees's case study demonstrated that some attrition occurred at the reporting level. For one there was some underreporting, and secondly some changes in the charges laid once the crime was reported. Although this is true of all crimes, it appears to be more specific to cases of sexual violence. The two main reasons behind the underreporting of rape were that women feared unsympathetic response from the police and had little faith in the judicial system.¹⁹¹ In terms of reported cases, a large number of cases were classified by police as non-crimes or victims were advised to drop the charges for there was little chance of a successful conviction. If the victim knew the rapist, the attrition level was even higher.¹⁹² In the court setting, women's behavior (the victims) were called into question. This would not be the case if the woman was simply assaulted as opposed to sexually assaulted. In cases of sexual assault, because of the issue of consent, the victim has the onus of proving that she did not consent. In simple cases of assault, it is automatically assumed that the victim was non-consenting. The latter exemplifies the use of a double-standard in the administration of justice.

Lees concludes from her case study that the criminal justice system is not merely failing to protect women; rather, the processes involved serve to

¹⁹¹ibid, p.101.

¹⁹²ibid.

legitimize male violence. The conduct of police, judges and other law enforcement personnel reinforce male violence by limiting the number of women who manage to have their assailants convicted. Because the success in conviction of rapists is minimal, it should be understood that the secondary victimization of women by the criminal justice system is key in the perpetuation of male violence. Unless institutions become responsive to the realities of women's experiences of sexual violence, underreporting of such violence will continue and so will the low conviction rate; needless to say that these are contributing factors to the unabated violence against women. As Lees states, "the myth of justice for all is nowhere more blatantly exposed than in rape trial."¹⁹³

Underreporting of hate crimes is not only an issue with gender-based violence. Similarly, and possibly at an even higher rate, victims of anti-gay violence are reluctant to report cases of primary victimization. Underreporting in the case of anti-gay violence has been attributed to the justified fear of secondary victimization due to an anti-gay attitude by the police, and in some cases, abuse of the victims, as well as the apprehensions towards public disclosure of one's sexual identity. There is the fear that a non-disclosed sexual identity is being revealed to a public which may further victimize. To report a crime may actually lead to other punitive measures for being different. Lose of employment, housing and child custody are primary concerns.¹⁹⁴ In sum, although lesbians and gays, and similarly, victims of rape or domestic violence, have legal recourse after violent attacks (primary victimization), the fear and presence of secondary victimization often

¹⁹³ibid, p. 111.

¹⁹⁴Berrill and Herek, "Primary and Secondary Victimization...", p.289-290.

prevents these victims from reporting such crimes, for there is no perceived gain in doing so.

The similarities between victims of sexual violence and that of anti-gay violence is not limited to the rate of underreporting. In both cases, the victims are often blamed for the incident by police, prosecutors, jurors, and judges. Women are presented as consenting to the sexual act, while gays are said to be deserving of, or even provoking, punishment for their choice of sexual identity. This regularly results into lenient sentences or acquittal of perpetrators.¹⁹⁵ However, the persecution of victims of anti-gay violence is more conspicuous, both at the state and societal levels. For example, there are several familial, church and community norms that exclude, disapprove of, and are hostile to lesbians and gays. Also, the slow response time of police to crimes involving lesbians and gays, combined with a tendency to let the perpetrators go are all evidence of the pervasiveness of trivialization of anti-gay violence. Moreover, in the United States, state sodomy laws are in effect in several states, "providing legal justification for viewing gay people as criminals and deviants."¹⁹⁶ As Berrill and Herek conclude:

Such governmental action (and inaction) clearly conveys the message that lesbians and gay men do not deserve full legal protection and justice. It also signals to perpetrators, criminal justice personnel, and the rest of society that anti-gay hate crimes will not be punished and that secondary victimization of gay people is acceptable. As a consequence, lesbian and gay male victims of hate crimes generally do not report to the police and, when they do enter the criminal justice system, are subject to various forms of secondary victimization.¹⁹⁷

Racism is no less absent in the judicial system. To discuss only one example, Sherene Razack has focused her findings on the case of aboriginal women

¹⁹⁵ibid, p. 294.

¹⁹⁶ibid, p. 293.

¹⁹⁷ibid.

victim of sexual violence. She explores various cases in which culture has been used as a defense. The relevance of such a study is what exemplifies an attempt to address issues of difference. Culture has been used to portray the offenders, aboriginal men, as victims of the devastating effect of colonization. This in turn becomes a contributing factor in making invisible the harm done to women who are sexually assaulted and also negates that these women were affected by the same system of colonization as the men. Throughout these cases, aboriginal men, and their community leaders, are the ones advancing culture as a defense. Meanwhile, the aboriginal women are trapped in a situation where they are persecuted by the racism of the dominant culture (the voices of women of color, especially in instances of rape are never considered as credible as that of white women) and sexism of their own community (the women's experience of colonization is unacknowledged). And finally, white judges and lawyers, in the name of cultural sensitivity, do not even question their authority in interpreting the reality of Aboriginal culture. As Razack explains, "wrapped in a cloak of sensitivity to cultural differences and recognition of the consequences of colonization, the anthropologizing of sexual assault continues to have gendered overtones and to maintain white supremacy as securely as in days of more overt racism and sexism."¹⁹⁸

As sociologist Johann Galtung describes, violence is anything that prevents an individual from developing her full potential.¹⁹⁹ In fact, that describes the essence of the term violence as it used here, keeping in mind that actual physical harm is an extreme form of that violence. It is important to take this

¹⁹⁸Sherene Razack, "What is to be Gained by Looking White People in the Eye? Culture, Race, and Gender in Cases of Sexual Violence", *Signs* 19, 4 (1994): 903.

¹⁹⁹Ehrlich, p. 111.

encompassing definition into consideration when assessing how individuals are marginalized. Violence cannot be truly assessed if one limits her analysis to what is defined as violence by legal norms, practices and customs,²⁰⁰ for the legal system is as entrenched in racism, sexism and heterosexism as any other institution in our society. To limit ones understanding of violence to what is defined in law and other state institutions results in the unacknowledgment of the threat of secondary victimization (which widely influences how victims of hate crimes will respond to the primary victimization). Without this encompassing definition, efforts to curb the recurring cycle of violence against the other will be unsuccessful.

Now that a working definition of violence has been sketched out, it is possible to examine how the state, citizenship, public policy and difference can be linked more positively as to allow for the recognition of differences in states characterized by the new pluralism. The next sections of this chapter turn to embodying the lessons learned in the theoretical and more practical discussions of the previous chapters. This will culminate in a an understanding of the first step needed for a framework of change.

iii) Lessons: theoretical findings

It has been suggested that the dominant framework through which questions of governance and citizenship in the modern era have been approached are manifestly inadequate in the face of the challenges posed by differences.²⁰¹ To eliminate the situations of marginalization present in the liberal-democratic model, a new framework of governance has to emerge. There is a need to

²⁰⁰ibid.

²⁰¹Yeatman, Postmodern Revisioning, p.57.

move away from the discourse of market-oriented liberalism in which differences are relegated to the private realm through principles of toleration and state neutrality. In other words, the polity should be understood not as constituted by liberal citizens - a disembodied and de-gendered abstraction which insinuates one sex and [race] as the norm";²⁰² but rather by individuals who have complex, fluid, and contested identities. This recognition of differences is the starting point for a model of governance through difference.

At the theoretical level, the concept of citizenship was recognized as the possible departure for a model of a politics of difference geared towards making the polity more inclusive. Citizenship was chosen out of the need to focus on the political. Social, economic, and legal issues (or child-care, equal pay, equal rights), which have been the main focus of feminist discourses, have given various groups formal equality. In fact, after a century or more of legal reforms and the introduction of universal suffrage, marginalized groups can now be considered civic and political equals to [white] men.²⁰³ Although these reforms are important, they leave those who do not share the characteristic of the dominant group short of substantive equality. By focusing on the transformation of the polity's structures and political concepts, a radical reconceptualization of citizenship is needed to remedy the situation in which most individuals do not benefit from substantive equality.

The move away from the liberal citizen as a universal identity embodied by all at the expense of identity particularities, does not imply a full repudiation of liberal values. In fact, in order to present a model which is not ahistorical,

²⁰²A. Phillips, Engendering, p.48.

²⁰³Pateman, Disorder, p.210.

it is important not to refute the modern era, but rather ground one's perspective in a critical reflection of the present model of governance. As the discussion in the previous chapter has confirmed, the problem is not with liberal values *per se* but their application onto an abstract citizen. Any reconceptualization of the polity should aim to embody the liberal values of justice and equality; values which will be defined not within the abstract context of liberalism, but rather whose meaning will be substantiated by a model of transformative politics or a politics of difference. Thus, equality will not be achieved when differences are eliminated, nor will justice limit itself to parity in participation (e.g. vote and election); these values will take on an entirely different meaning, for they will be informed not by the neutrality of liberalism, but rather by the recognition of differences.

The politics of difference is informed by the examination of several discourses that are critical of the present political system. It is, for one, inspired by the critical analysis of state structures, power and privilege of feminist theories; it is also informed by the deconstruction of the universal and advancement of differences found in the paradigms of identity politics. Moreover, the politics of difference focuses on a radical plural democratic project. Radical pluralists, contrary to past traditions of universalism, do not accept nor favor a single and totalizing truth; their pluralism is contained, avoiding to simply deconstruct concepts without offering alternatives, as postmodernists tend to do, but is nonetheless based on the recognition of differences. In other words, it is a model of "politics that neither denies nor capitulates to the particularity of group identity"²⁰⁴, while remaining critical of power relations.

²⁰⁴A. Phillips, Democracy and Difference, p.5.

Moreover, power and conflict need to be viewed not in zero-sum terms, but rather as constitutive elements that allow for the constant renewal and renegotiation of identity categories, and which mediates between multiple centres of power. Hence, in the same way that identity is always fluid, contested, open and unfinished, or a project to be²⁰⁵, similarly, "

pluralist democracy contains a paradox, since the very moment of its realization would see its disintegration... Such a democracy will ...always be a democracy 'to come', as conflict and antagonism are at the same time its condition of possibility and the condition of impossibility of its full realization.²⁰⁶

In a radical-pluralist democracy, the political is not characterized by rational and universal concepts and thoughts in which conflict is cast in binary opposition, something to be eliminated; rather, the political is perceived as collective participation in the public sphere (which has been transformed radically to be more accessible), where interests and needs are advanced, and conflicts are valued as a necessary condition for the constant redefinition of concepts.

As it was concluded in chapter three, the radical democratic project is not unproblematic. Issues of how individuals will be given a voice, whether individuals will want to participate, and how conflict can be embraced as positive and constitutive of the community all need to be examined closer. Nonetheless, the intention behind the study of such a project is to question the capacity of society to live with difference;²⁰⁷ this is what the radical-plural democratic project addresses. Theorists such as Mouffe, Phillips, Connolly, Yeatman, Fraser, Tully and Taylor converge in their proposition of using

²⁰⁵See Hall, P.363; Chantal Mouffe, The Return of the Political (London: Verso, 1993), p. 12 and 82; Yeatman, Postmodern Revisioning, p. 88-91; and Phelan, p.157.

²⁰⁶Mouffe, The Return of the Political, p.8.

²⁰⁷Hall, p. 361.

dialogue as a method to accommodate differences.²⁰⁸ They talk about either contested concepts, dialogical method, or democratic equivalence, etc., as forms of transformative politics. The latter is based on interconnecting multiple publics or centers of power which allow for differences to flourish, while remaining loyal to a dialogue in and between the various groups. The dialogue serves the important role of an over-arching structure maintaining the coherence of the political community. The dialogue is public policy.

iv) The foundation: the role of public policy

Public policy determines what the state perceives as legitimate for individuals to do; as mentioned before, it consequently defines citizenship. In other words, the experience of citizenship is strongly determined by the development of public policy, especially in the areas of criminal justice system, employment, immigration laws, etc. Considering that policies outline the services that are made available to citizens as clients (e.g. it determines who is eligible for Medicare or social assistance and under what conditions), and that enacted laws are what give citizens rights (e.g. legalized abortion, illegal assisted suicide, gun control), it is clear that policy-making delimit citizenship, and subsequently establishes who will be included or marginalized by the state.

Unless that process is understood as being infiltrated by relations of power, state policies will continue to marginalize individuals. As the discussion on violence elucidated, social power is pervasive throughout state and societal institutions. The imposition of the normative systems of sexism, heterosexism and racism remain unacknowledged as a result of a disregard

²⁰⁸Please see the bibliography for references on their works.

for power relations. Consequently, the privilege of those who coincide with the norm continues unchallenged, while the marginalization of the Other is unabated. Normative systems are being supported, perpetuated, and reinforced by the state and other institutions, for their feigned naturalness has left the privileged position they represent unquestioned.

As Yeatman argues, policies need to be informed by an on-going and openly contested politics of voice and representation. Politics is the space between established policies and an emancipated movement's claim to equality. Dialectic politics, therefore, requires and depends upon the interlocutory and performative dynamics of what is contested relationship, demanding an ethical response by both those who are privileged by policy and those who are positioned as wronged by policy.²⁰⁹ The essence of this conflict or agonistic democracy is present at all times in a politics of difference; what serves as the over-arching element of the political community is the willingness to engage in the discourse around that conflict. Multiple voices that represent the different views on policies are linked through conflict by the dialogue on policy. Thus, in the same way that Mouffe perceived politics not as something that occur in the political community, but rather as constitutive of the community²¹⁰, public policy is what shapes and defines, and reconceptualizes over time, the parameters of the political community. To achieve a polity which grants equality through difference, public policy therefore must embrace the voices of those on the margin.

²⁰⁹Yeatman, "Voice and Representation...", p.222-230.

²¹⁰Mouffe, The Return of the Political, p.60.

v) Towards change: understanding identity, state and policy.

What the theoretical discussions throughout this essay served to do is outline the problems or limits of the liberal-model of state and to provide a number of considerations for the reconceptualization of the polity. This section revisits the issue of violence, for it will identify what is at stake in more practical terms. As concluded in the previous chapter, violence against the other encompasses not only primary victimization (such as assault or harassment on the basis of prejudices against one's identity), but also secondary victimization which is understood as the marginalization of the other by state policies or societal norms. As demonstrated, this understanding of violence is necessary if one is to remedy issues of violence, for both forms of victimization are integrated into the cycle of violence. Therefore, primary victimization cannot be reduced if nothing is done about the issue of secondary victimization, for the latter condones, and is even a contributing factor to, primary victimization.

Since primary and secondary victimization are intertwined processes, strategies for change can only be successful when the institutions, society and individuals are targeted at once. As Herek suggests in terms of anti-gay violence, "individual anti-gay attitudes and actions will become dysfunctional when they are no longer supported by religious and political institutions, when they are not reinforced by social norms, and when they are not integral to society's image of sexuality and gender".²¹¹ Unfortunately, given the widespread resistance to address the primary victimization of gay people, and the sporadic efforts to remedy the violence against women and members of racial groups, it is not a surprise that efforts to eliminate

²¹¹Herek "Psychological Heterosexism...", p.165.

secondary victimization have been almost nil.²¹² This of course has meant that violence against the other presently goes for the most part unchecked.

The application of the theoretical findings would suggest that the recognition of difference is definitely a starting point to any approach wanting to diminish the recurrence of violence. The violence against individuals with particularities in identity cannot be understood outside a framework which problematizes identity, for it is these identities which are at the source of the act of violence. Also implied is the need to examine the relations of social power, without which violence cannot be recognized as a continuation of sexism, heterosexism and racism. The study of social power provides an explanation for the subjection of individuals with particularistic identities and defines the state institutions as sites of power contributing to the marginalization and violence.

Furthermore, the radical democratic project points to the need for the inclusion of voices in public discourses. The work of Kelly and Radford on violence against women would definitely warrant this inclusion. Their work illustrated the discrepancies between women's experiences of sexual violence and the legal definition of sexual violence. They would most likely argue that if the voices of women would have been heard in the law-making process, sexual violence may have been defined otherwise. In fact, it is these type of changes and inclusions which will incrementally lead to a different formulation of policy and eventually a different kind of state, one in which experiences other than those of the dominant group are reflected.

²¹²Berrill and Herek, "Primary and Secondary Victimization...", p. 293.

Working towards solutions to reduce violence against the other requires, beyond a recognition of the victimized identity and understanding of their experiences, the establishment of processes which will undermine the perpetuation of the privileges at play in sexism, heterosexism and racism. One element to deter hate crimes to increase the cost so as to outweigh the benefits in engaging in them. Since hate crimes have very little benefit, if only a volatile temporary satisfaction which does not usually translate into anything tangible, the simple message from the criminal justice system that hate crimes are not tolerated and will be punished would be a positive push towards reducing the number of occurrences.²¹³ Statutes which facilitate the arrest and prosecution of hate-crime perpetrators would be considered a deterrent. However, these changes cannot occur in a vacuum, because the results will be too limited. Although it would be a significant step forward, condemnation of hate crimes by the criminal justice system is not sufficient to alter dramatically the rates of violence.

Berrill and Herek, in the concluding chapter, propose a model approach which exemplifies how public policy is key to bringing about change. These policy recommendations illustrate the role of government in addressing primary and secondary victimization in cases of anti-gay violence.²¹⁴ Their broad based approach requires three levels of intervention. At the legislative level, they demand that laws which criminalizes the sexual behaviors of gays be removed and that mechanisms to facilitate the arrest and prosecution of perpetrators be implemented. Within the criminal justice system, the emphasis is on policies which communicate that instances of victimization

²¹³Karl M. Hammer, "Gay Bashing: a Social Identity Analysis of Violence Against Lesbians and Gay Men", Hate Crimes: Confronting Violence..., p. 187-188.

²¹⁴Berrill and Herek, "Primary and Secondary Victimization...", p.296-302.

are forms of violence and therefore are not to be tolerated. Investigations into cases of abuse of power by law enforcement personnel need to be executed. And finally, community education, focusing on a greater awareness of the diversity of individuals as well as an understanding of how oppression is advanced, is a possible way to change the climate in which the victimization occur. The four points for this education are schools (elementary and secondary); colleges and universities, religious organizations and the mass-media. Definitely central to this approach is the understanding that the right of individuals to think in private that a specific gender, race or sexual identity is of lesser importance or immoral is not disputed here; however, to codify such disdain into codes, statutes, and policy is strongly refuted. As Herek and Berrill enunciate, "the moral high ground belongs to those who oppose violence, victimization, crime and bigotry, not those who support it in the name of their personal beliefs or religion."²¹⁵

What this model illustrates applies not only to anti-gay violence. A more elaborate research may demonstrate that there are several interconnecting links between models which will address the various forms of victimization; nonetheless, each component of the approach can be rethought keeping in mind the specificity of the identity at stake. It is apparent from this discussion that policies informed by the voices of those who are marginalized are key if violence against the other is to find its foe. What remains unanswered is how can the first step towards Berrill and Herek's approach be taken when society is an apparent player in condoning violence against the other? Future research will need to look into the application of such an endeavor, as well as to formulate models beyond those addressing only anti-gay violence.

²¹⁵ibid, p. 302.

V. CONCLUSION

How is it that even though we are all given the same status as citizens, certain individuals remain marginalized by societal and state institutions? How is it that even if equality, principles of toleration and justice, and ideas of universal values are central to liberalism, individuals are discriminated against on the basis of their identity or are victims of hate crimes? Why is it that the individual is given rights which encourage her to come forth and affirm, in the public sphere, her identity in terms of gender, sexual identity, religion, or race, when, simultaneously, toleration, as understood in the liberal tradition, requires that differences be relegated to the private realm? Have documents, such as charters and constitutions, provided a political space for accommodating differences? Or do liberal-democratic state simply interact with its citizens as if they were dis-embodied, de-gendered, abstract entities? Can liberal-democratic state recognize the diversity of its public? Or do they simply ignore these differences, contributing to the perpetuation of discrimination and marginalization as a result of the non-recognition of these particularities in identity?

Although not earlier made implicit, the questioning which prompted the production of this piece emanated from an understanding of Gramscian conceptualization of power. This essay is rooted in the realization that, as a result of the hegemonic nature of the state and its institutions, citizens tend to acquiesce to principles, concepts, laws, and values, not in their best interest. Theories of the state and citizenship are predicated on a homogeneous society, and even more specifically, are made to reflect the reality of a historically privileged group. However, these states are sociologically

heterogeneous, composed of individuals who need to have their particularities in identity recognized in order to be able to participate as full-members in the dialogue of policy formulation, and to have equality and social justice rightly conferred upon them.

This essay has reflected on this newly emerging challenge that poses difference to the governance of liberal-democratic states. Although differences were never fully absent in these states, it is apparent today, that certain conditions have changed the context in which differences are lived, and that the marginalization which results from these is not tolerable when equality and justice are characterized as fundamental principles of these states. Globalization; immigration to liberal-democratic states increasingly from countries with essential differences in values, political systems and culture; implementation of policies such as multiculturalism; documents which recognize rights and institutionalize differences (e.g. charter and constitutions) are all contributing factors to the assertion of differences, and simultaneously, to the increasing marginalization of individuals as a result of these differences.

This paper started from the premise that if liberal democracies want to continue upholding principles of equality and justice, issues of equality and justice in a context of difference must be addressed. The discussion initially focused on questions of neutrality of the state and how liberalism dealt with difference. It outlined the concept of liberalism's double-talk, showing how on the one hand the rights discourse has given rise to the public affirmation of differences, while the universal and abstract discourse of liberalism treats all citizens the same, regardless of their differences. Questions as to which

day is appropriate for store closing, in light of religious beliefs; considering the frequent salaried inequalities between husband and wife, what criteria should be considered in the assessment of a 'safe' environment (e.g. social and economic) in child-custody cases; taking into account wide economic disparities, are fines adequate to replace prison terms in cases of non-violent crimes; should educational institutions be expected to teach the language and culture of the various groups within that community or should a common national educational system be the norm? These questions point to the urgency of addressing issues pertaining to differences in liberal-states which claim to be inclusive and neutral, but which are characterized by "deep diversity".

It was concluded in chapter one that liberalism deals with difference in ways which denies diversity. The neoconservative agendas of the Thatcher-Reagan-Mulroney era have increased the prominence of market-liberalism, a discourse in which issues of identity are relegated to the realm of choices, and consequently require no recognition. In market-liberalism, systemic discrimination and marginalization as a result of value systems such as sexism, heterosexism, and racism are in no way recognize; all issues are coined in cost-benefit analysis, making identity a utility, rather than an unchosen characteristic in identity. Moreover, it was also concluded that the pretensions of neutrality of the state hide the hegemonic privilege of a group. The state imposes a norm which reflects the reality of the group historically was associated with the configuration of the state and its institutions. It is in fact not the direct assertion of privilege, but its perpetuation through impersonal processes and procedures that has been the main mechanism

advancing the interest of the white-heterosexual-educated male, at the expense of those who differ from that norm.

Although important shortcomings have been identified in the present model of the state, it was taken as a given that the state is central to any reconceptualization of community which aims towards principles of equality and social justice. To substantiate the need for a state, one only needs to turn to women's relation to the state. Although women find themselves at times dependent upon welfare services of the present states, the latter are also a source of women's liberation, for they allow greater independence from the familial or marital unit, giving women a greater number of opportunities outside the home. Although the relation is much more complex than discussed here, the point is simply that the state plays a necessary function in the lives of several individuals and is therefore necessary for the reconceptualization in which this essay engages.

Since the overall aim is to discover a state inclusive and reflective of particularities in identity, it was important to come to an understanding of the dynamics around identity. The second chapter made sense of why identities needed to be recognize. For example, sexual identity is a frequently disregarded identity in terms of public policy; however, it was made clear that since sexuality is a site where power relations are played out and norms imposed (through the imposition of gender roles), heterosexuality needs to be recognized as a privileged identity, advanced in policies such as spousal benefits or differential income tax, and perpetuated in societal institutions such as marriage and family, at the expense of those who differ from that norm. The study of the dynamics around identity, portrayed identity as

something which could be taken on, but also imposed; and, something which happened from above as well as from below. Thus, one may or may not choose to come forward as a Jew or a gay man, but may nonetheless be a victim of prejudice; and as much as lesbian, black, disabled, or woman, are identities, so is whiteness, heterosexuality, and men.

The exploration of the various theoretical models were necessary to further the research towards a polity capable of governing across differences. The three models explored attempted to come to an understanding of the struggle between universalism and particularism. All three sought to include the particular in a polity which claims to be inclusive, but is nonetheless characterized by gross inequalities as a result, in several instances, of the nonrecognition of differences. All three authors, Young, Mouffe and Eiseinstein, stressed the importance of liberal values. They all stayed within the liberal paradigm, but reinterpreted the principles found in liberal theory, in ways which were genuinely inclusive as opposed to neutral and objective, as is the case presently. Their claim was that unless differences are recognized by the state, equality will continue to be interpreted as receiving undifferentiated treatment by the state, which does not result in situations of substantive equality and social justice, for those whose identity does not correspond to the norm.

Although other issues, such as AIDS, Aboriginal self-government, representation of women in government or bureaucracy, or employment equity could all have been useful in understanding the link between identity, marginalization, the state and public policy, violence was chosen because it represents an extreme form of marginalization. Unfortunately, we are all

witnesses or victims of violence against the other. This abundant presence of violence is partly what has made it the focus of this essay; however, more importantly, violence clearly served to illustrate the role of the state in the perpetuation of the marginalization of individuals with particularistic identities, a fact which may have been overseen if another issue of public policy had been used. In fact, the aim of the chapter on violence and public policy was not to present specific case studies or a sophisticated analysis of violence. The intention was only a preliminary overview of the presence of violence in our society which culminated in outlining how the state played a key role in this marginalization and the tolerance of violence against the Other.

In sum, this essay has outlined why differences need to be recognized; and suggested that it was necessary to understand the dynamics around identity in order to give policy-makers the necessary tools to recognize differences and advance policies which are more inclusive of individuals with particularities. The relationship between the universal and the particular was articulated to come to terms with models of the state which need to be reimagined to recognize differences. And, finally, the link between public policy, citizenship, difference and the state was made through the example of violence, leading to a framework for understanding the politics of difference in liberal democratic states. Although Mouffe's model of radical democratic project is the preferred model of the state, it is not accepted uncritically. It is clear that the differentiated inclusion of voices in the discourse of public policy is a positive contribution towards making the state more reflective of the different realities of its citizens. However, it is also evident that models of radical democracy put extreme demands on the self, which may inhibit the

participation of certain groups or individuals. It was concluded that the success of any polity depends upon the recognition not simply of the differences between individuals but also the recognition of a universal set of political institutions. Further research will need to define these institutions.

In the meanwhile, in more specific terms, as Canadians, we should recognize that we are fortunate to be living in a country such as Canada, where tolerance of difference, individual rights, principles of multiculturalism, equality and social justice are central to the value system. That we do not agree on one interpretation of these values is actually something which needs to be nurtured through the advancement of liberal values such as privacy, individual rights, and freedom of speech which guarantee a space of contestation of the different interpretations of justice and equality. This essay has engaged in such a discussion. As mentioned earlier, we are all victims and witnesses of violence. However, as long as the channels of contestation remain open, the power relations and systems at the source of this violence will be identified and challenged. If this is the case, we may see the day that such analysis will make its way into public policy, helping to make Canada a model of state for the 21st century, capable of governing through difference.

Selected Bibliography

- Adelberg, Ellen and Claudia Currie. Too Few To Count: Canadian Women in Conflict with the Law. Vancouver: Press Gang Publishers, 1987.
- Albo, G. "Democratic Citizenship and the Future of Public Management", A Different Kind of State? Popular Power and Democratic Administration. Eds. G. Albo, D. Languille and L. Panitch. Toronto: Oxford University Press, 1993.
- Appiah, K. Anthony. "Reconstructing Racial Identities", Research in African Literature 27, 3 (1996): 68-72.
- Armstrong, Elizabeth. "Traitors to the Cause? Understanding the Lesbian/Gay 'Bisexuality' Debate",
- Aronowitz, Stanley. "Reflections on Identity", October 61 (1992): 91- 103.
- Ault, Amber. "Ambiguous Identity in an Unambiguous Sex/Gender Structure: The Case of Bisexual Women", Sociological Quarterly 37, 3 (1996): 449-463.
- Backhouse, Constance and Flaherty, David H., eds. Challenging Times: The Women's Movement in Canada and the United State. Montreal: McGill-Queen's University Press, 1992.
- Baines, Beverly. "Women and the Law", Changing Patterns: Women in Canada. Eds. Sandra Burt, Lorraine Code, Lindsay Dorney. Toronto: McClelland and Stewart Inc., 1991.
- Bannerji, Himani, ed. Returning the Gaze: Essays on Racism, Feminism, and Politics. Toronto: Sister Vision Press, 1993.
- Beiner, Ronald. What's the Matter with Liberalism. Berkeley, CA: University of California Press, 1992.
- Blasius, Mark. Gay and Lesbian Politics: Sexuality and the Emergence of a New Ethic. Philadelphia: Temple University Press, 1994.
- . "The Meaning and Status of Gay and Lesbian Political Philosophy", Political Theory 23, 3 (1995): 520-526.
- Body-Gendrot, Sophie. "Urban Violence: a Quest for Meaning", New Community 21, 4 (1995): 525-536.
- Bowker, Lee H. Women, Crime, and the Criminal Justice System. Toronto: Lexington Books, 1980.
- Boyle, Christine et al. A Feminist Review of Criminal Law. Ottawa: Minister of Supply and Services, 1985.
- Brown, P. Restoring the Public Trust. Boston: Beacon Press, 1994.
- Brown, Wendy. States of Injury: Power and Freedom in Late Modernity. Princeton, NJ: Princeton University Press, 1995.

- Burstyn, Varda. "Masculine Dominance and the State", The Socialist Register 1983. Eds. Ralph Miliband, Leo Panitch, and John Saville. London: Merlin, 1983.
- Butler, Judith. "Contingent Foundations: Feminism and the Question of Postmodernism", Feminist Theorize the Political. Eds. Judith Butler and Joan W. Scott. London: Routledge, 1992.
- . "Gender Trouble, Feminist Theory, and Psychoanalytic Discourse", Feminism/Postmodernism. Ed. Linda J. Nicholson. London: Routledge, 1992.
- Cairns, Alan C. "The Fragmentation of Canadian Citizenship", Belonging: The Meaning and Future of Canadian Citizenship. Ed. William Kaplan. Kingston-Montreal: McGill-Queen's University Press, 1993.
- . Charter Versus Federalism: The Dilemmas of Constitutional Reform. Kingston-Montreal: McGill-Queen's University Press, 1992.
- . "Constitutional Change and the Three Equalities", Options for a New Canada. Eds. Ronald L. Watts and Douglas M. Brown. Toronto: University of Toronto Press, 1991.
- . "Citizens (Outsiders) and Governments (Insiders) in Constitution-Making: the Case of Meech Lake", Canadian Public Policy XIV (1988): S121-145.
- Canada. Task Force on Federally Sentenced Women. Creating Choices. Ottawa: Correctional Service Canada, 1990.
- Canadian Corrections Association. Brief on the Woman Offender. Ottawa: Supply and Services, 1968.
- Caron, Michèle. "Variations sur le Thème de l'Invisibilisation", Canadian Journal of Women and the Law 7, 2 (1994): 271-285.
- Carty, Linda. And Still We Rise: Feminist Political Mobilizing in Contemporary Canada. Toronto: Women's Press, 1994.
- Chapman, Jane Roberts. Economic Realities and the Female Offender. Toronto: Lexington Books, 1980.
- Charles, Nickie. "Feminist Politics, Domestic Violence, and the State", Sociological Review 43 (1995): 617-640.
- Code, Lorraine. "Credibility: A Double-Standard", Feminist Perspectives: Philosophical Essays on Methods and Morals. Eds. Lorraine Code, Sheila Mullet, and Christine Overall. Toronto: University of Toronto Press, 1988.
- Connolly, William E. Identity/Difference: Democratic Negotiations of Political Paradox. Ithaca: Cornell University Press, 1991.
- Coombe, Rosemary J. "Tactics of Appropriation and the Politics of Recognition in the Late Modern Democracies", Political Theory 21, 3 (1993): 411-433.
- Cornell, Drucilla L. "Gender, Sex and Equivalent Rights", Feminist Theorize the Political. Eds. Judith Butler and Joan W. Scott. London: Routledge, 1992.

Comstock, Gary David. Violence Against Lesbians and Gay Men. New York: Columbia University Press, 1991.

Correctional Services Canada. Basic Facts About Corrections in Canada. Ottawa: Minister of Supply and Services, 1991.

Craghead, S. Elaine. "Camille Paglia and the Problematics of Sexuality and Subversion", Lesbian Erotics. Ed. Karla Jay. New York: New York University Press, 1995.

Currie, Dawn H, and MacLean, Brian D., eds. Re-Thinking the Administration of Justice. Halifax: Fernwood Publishing, 1992.

Dahn, Tove Stang. Women's Law: an Introduction to Feminist Jurisprudence. Denmark: Norwegian University Press, 1987.

Daly, Kathleen. "Rethinking Judicial Paternalism: Gender, Work-Family Relations, and Sentencing", Gender and Society 3 (1989): 9-37.

Dawson, T. Brettel. Women, Law and Social Change. North-York, Ont.: Cactus Press Inc., 1990.

Dietz, Mary G. "Context Is All: Feminism and Theories of Citizenship", Dædalus 116, 4 (1987): 1-24.

DiStefano, Christine. "Dilemmas of Difference: Feminism, Modernity, and Postmodernity", Feminism/Postmodernism. Ed. Linda J. Nicholson. London: Routledge, 1992.

Dworkin, Ronald. "Liberalism", Public and Private Morality. Ed. Stuart Hampshire. Cambridge: Cambridge University Press, 1978.

Eley, Geoff. "Nations, Publics, and Political Cultures: Placing Habermas in the Nineteenth Century", Habermas and the Public Sphere. Ed. Craig Calhoun. Cambridge, MA: MIT press, 1992.

Edwards, Susan S. M. Women On Trial. Dover, N.H.: Manchester University Press, 1984.

Eichler, Margrit. "Not Always an Easy Alliance: The Relationship Between Women Studies and the Women's Movement in Canada", Challenging Times: The Women's Movement in Canada and the United State. Eds. Constance Backhouse and David H. Flaherty. Montreal: McGill-Queen's University Press, 1992.

Eisenstein, Zillah R. The Color of Gender: Reimaging Democracy. Berkeley, CA: University of California Press, 1994.

Epstein, Barbara. "Rethinking Social Movement Theory", Socialist Review: SF 20 (1990): 35-52.

Epstein, Barbara et al. Cultural Politics and Social Movements. Philadelphia: Temple University Press, 1995.

Faderman, Lillian. Odd Girls and Twilight Lovers: a History of Lesbian Life in 20th Century America. New York: Penguin, 1991.

Federal/Provincial/Territorial Working Groups of Attorneys General Officials on Gender Equality in the Canadian Justice System. Gender Equality in the Canadian Justice System. Ottawa: Department of Justice, 1992.

Federal/Provincial/Territorial Working Groups of Attorneys General Officials on Gender Equality in the Canadian Justice System. Substantive Law Bias Against Women (Saskatchewan - Prince Edward Island). Ottawa: Department of Justice, 1992.

Federal/Provincial/Territorial Working Groups of Attorneys General Officials on Gender Equality in the Canadian Justice System. Access to Justice For Women (Canada - New Brunswick) Ottawa: Department of Justice, 1992.

Federal/Provincial/Territorial Working Groups of Attorneys General Officials on Gender Equality in the Canadian Justice System. Women in Conflict with the Law (Nova Scotia - Yukon). Ottawa: Department of Justice, 1992.

Federal/Provincial/Territorial Working Groups of Attorneys General Officials on Gender Equality in the Canadian Justice System. Gender Bias in the Courts (Ontario - Northwest Territories) Ottawa: Department of Justice, 1992.

Ferguson, Kathy E. The Feminist Case Against Bureaucracy. Philadelphia: Temple University Press, 1984.

Findlay, Sue Hawkins. "Democratizing the Local State: Issues for Feminist Practice and Representation of Women", A Different Kind of State? Popular Power and Democratic Administration. Eds. G. Albo, D. Languille and L. Panitch. Toronto: Oxford University Press, 1993.

Flax, Jane. "The End of Innocence", Feminist Theorize the Political. Eds. Judith Butler and Joan W. Scott. London: Routledge, 1992.

—. "Postmodernism and Gender Relations in Feminist Theory", Feminism/Postmodernism. Ed. Linda J. Nicholson. London: Routledge, 1992.

—. "Beyond Equality: Gender, Justice, and Difference", Citizenship, Feminist Politics and Female Subjectivity. Eds. Gisela Bock and Susan James. London: Routledge, 1992.

Fleras, Augie and Elliott, Jean Leonard. The Nations Within. Toronto: Oxford University Press, 1992.

Foucault, Michel. "About the Beginning of the Hermeneutics of the Self", Political Theory 21, 2 (1993): 198-227.

—. Power/Knowledge: Selected Interviews and Other Writing. Ed. Colin Gordon. New York: Pantheon, 1980.

Frankel, Boris. Beyond the State? Dominant Theories and Socialist Strategies. London: MacMillan, 1983.

Franzway, Suzanne; Court, Dianne; Connell, R. W. Staking a Claim: Feminism, Bureaucracy, and the State. Cambridge: Polity Press, 1989.

Fraser, Nancy. "Politics, Culture, and the Public Sphere: Toward a Postmodern Conception", Social Postmodernism: Beyond Identity Politics. Eds. Linda Nicholson and Steven Seidman. Cambridge: Cambridge University Press, 1995.

—. "From Redistribution to Recognition? Dilemmas of Justice in a 'Post-Socialist' Age", New Left Review 212 (1995): 68-93.

—. "Rethinking the Public Sphere: a Contribution to the Critique of Actually Existing Democracy", Habermas and the Public Sphere. Ed. Craig Calhoun. Cambridge, MA: MIT press, 1992.

Fraser, Nancy and Nicholson Linda J. "Social Criticism without Philosophy: an Encounter Between Feminism and Postmodernism", Feminism/Postmodernism. Ed. Linda J. Nicholson. London: Routledge, 1992.

French, Marilyn. Beyond Power: on Women, Men, and Morals. New York: Ballantine Books, 1985.

Friedman, Marilyn. "Feminism and Modern Friendship: Dislocating the Community," Ethics 99 (1989): 275 - 290.

Frye, Marilyn. Willful Virgin: Essays in Feminism, 1976 - 1992. Freedom, CA: The Crossing Press, 1992.

—. The Politics of Reality: Essays in Feminist Theory. Trumansburg, N.Y.: The Crossing Press, 1983.

Galeotti, Anna Elisabetta. "Citizenship and Equality: the Place for Toleration", Political Theory 21, 4 (1993): 585-605.

Gavigan, Shelley. "Law, Gender and Ideology", Legal Theory Meets Legal Practice. Ed. Anne Bayefsky. Edmonton: Academic Printing and Publishing, 1988.

Gelsthorpe, Loraine. Sexism and the Female Offender: An Organizational Analysis - Cambridge Criminology Series. Hants, England: Gower Publishing Company Limited, 1989

Gordon, Linda. "The Welfare State: Towards a Socialist-Feminist Perspective", The Socialist Register 1990. Eds. Ralph Miliband, Leo Panitch, and John Saville. London: Merlin, 1990.

Gotlieb, Roger S. ed. Radical Philosophy: Tradition, Counter-Tradition, Politics. Philadelphia: Temple University Press, 1993.

Gramsci, Antonio. An Antonio Gramsci Reader: Selected Writings, 1916 - 1935. Ed. David Forgacs. New York: Schocken Books, 1988.

Gunew, Sneja. "Feminism and the Politics of Irreducible Differences: Multiculturalism/ Ethnicity/ Race," Feminism and the Politics of Difference. Eds. Anna Yeatman and Sneja Gunew. Halifax: Fernwood Publishing, 1993.

Gutmann, Amy. "The Challenge of Multiculturalism in Political Ethics", Philosophy and Public Affairs 22, 3 (1993): 171-206.

Gutmann, Amy, ed. Democracy and the Welfare State. Princeton: Princeton University Press, 1988.

Gutmann, Amy and Thompson, Dennis. "Moral Conflict and Political Consensus", Ethics 101 (1990): 64 - 88.

Hall, Stuart. "Culture, Community, Nation," Cultural Studies 7, 3 (1993): 349-363.

Hanen, Marsha P. "Feminism, Objectivity, and Legal Truth", Feminist Perspectives: Philosophical Essays on Methods and Morals. Eds. Lorraine Code, Sheila Mullet, and Christine Overall. Toronto: University of Toronto, 1988.

Harding, Sandra. "The Instability of Analytical Categories of Feminist Theories", Feminist Theory in Practice and Process. Eds. Micheline R. Malson, Jean F. O'Barr, Sarah Westphal-Wihl, and Mary Wyer. Chicago: University of Chicago Press, 1989.

Held, David, and Pollitt, Christopher, eds. New Forms of Democracy. London: Sage Publications Ltd., 1986.

Held, David ed. Political Studies (1992) XL, Special Issue.

Hennessy, Rosemary. "Queer Visibility in Commodity Culture", Social Postmodernism: Beyond Identity Politics. Eds. Linda Nicholson and Steven Seidman. Cambridge: Cambridge University Press, 1995.

—. Materialist Feminism and the Politics of Discourse. New York: Routledge, 1993.

Herek, Gregory M. "Hate Crimes Against Lesbians and Gay Men", American Psychologist (1989): 948- 55.

Herek, Gregory M. and Berrill, Kevin T., eds. Hate Crimes: Confronting Violence Against Lesbians and Gay Men. Newbury Park, Ca: Sage Publications, 1992.

Hiebert, Janet. "Debating Policy: The Effects of Rights Talk", Equity and Community: The Charter, Interest Advocacy and Representation. Ed. Leslie Seidle. Montreal: The Institute for Research on Public Policy, 1993.

Hirschman, Albert O. "Social Conflict as Pillars of Democratic Market and Society", Political Theory. 22, 2 (1994): 203 - 218.

hooks, bell. Outlaw Culture: Resisting Representations. London: Routledge, 1994.

Huntington, Samuel P. "The Clash of Civilization", Foreign Affairs 72, 2 (1994): 22-49.

Jeffreys, Sheila. The Lesbian Heresy: a Feminist Perspective on the Lesbian Sexual Revolution. London: Women's Press, 1994.

Jenness, Valerie and Broad, Kendal. "Antiviolence Activism and the (In)Visibility of Gender in the Gay/Lesbian and Women's Movement", Gender and Society 8, 3 (1994): 402-423.

Johnston, Susan. "On the Fire Brigade: Why Liberalism Won't Stop the Anti-Gay Campaigning of the Right", Critical Sociology 20, 3 (1993-94): 3-19.

Jones, Kathleen B. "Citizenship in a Woman-Friendly Polity", Signs 15, 4 (1990): 781 - 812.

Kaplan, William. "Who Belongs? Changing Concepts of Citizenship and Nationality", Belonging: The Meaning and Future of Canadian Citizenship. Ed. William Kaplan. Kingston-Montreal: McGill-Queen's University Press, 1993.

Kelly, Liz. "When Does the Speaking Profit Us?", Women, Violence, and Male Power. Eds. Marianne Hester, Jill Radford and Liz Kelly. Philadelphia: Open University Press, 1996.

Kelly, Liz and Radford, Jill. "Nothing Really Happened: The Invalidation of Women's Experiences of Sexual Violence", Women, Violence, and Male Power. Eds. Marianne Hester, Jill Radford and Liz Kelly. Philadelphia: Open University Press, 1996.

King, Deborah K. "Multiple Jeopardy, Multiple Consciousness: The Context of a Black Feminist Ideology", Feminist Theory in Practice and Process. Eds. Micheline R. Malson, Jean F. O'Barr, Sarah Westphal-Wihl, and Mary Wyer. Chicago: University of Chicago Press, 1989.

Kingdom, Elizabeth F. What's Wrong With Rights? Problems for Feminist Politics of Law. Edingburgh: Edingburgh University Press, 1991.

Kymlicka, Will. "Group Representation in Canadian Politics", Equity and Community: The Charter, Interest Advocacy and Representation. Ed. Leslie Seidle. Montreal: The Institute for Research on Public Policy, 1993.

—. "Liberal Individualism and Liberal Neutrality," Ethics 99 (1989): 883 - 905.

Kymlicka, Will and Norman, Wayne. "Return of the Citizen: a Survey of Recent Work on Citizenship Theory", Ethics 104 (1994): 352-381.

Laclau, Ernesto. "Metaphor and Social Antagonisms", Marxism and the Interpretation of Culture. Eds. Cary Nelson and Laurence Grossberg. Urbana: University of Illinois Press, 1988.

—. "Universalism, Particularism, and the Question of Identity", October 61 (1992): 83-90.

Laprairie, Carole. "The Role of Sentencing in the Over-representation of Aboriginal People in Correctional Institutions", Canadian Journal of Criminology 29 (1987)

Lees, Sue. "Unreasonable Doubt: Outcomes of Rape Trials", Women, Violence, and Male Power. Eds. Marianne Hester, Jill Radford and Liz Kelly. Philadelphia: Open University Press, 1996.

Leonard, Eileen E. Women, Crime, and Society. New York: Longman Inc., 1982.

Lindblom, C. Politics and Markets. New York: Basic Books, 1977.

Lorde, Audre. Sister Outsider. Trumansburg, N.Y.: The Crossing Press, 1984

MacKinnon, Catharine A. Feminism Unmodified: Discourses on Life and Law. Cambridge, Mass.: Harvard University Press, 1987.

—. Toward a Feminist Theory of the State. Cambridge, Mass.: Harvard University Press, 1989.

—. Only Words. Cambridge: Harvard University Press, 1993.

MacManus, Susan A. and Van Hightower, Nikki R. "Limits of State Constitutional Guarantees: Lessons from Efforts to Implement Domestic Violence Policies", Public Administration Review 49 (1989): 269- 277.

Maillé, Chantal and Salée, Daniel. "De la Démocratie au Québec: Enjeux et Perspectives", La Condition Québécoise: Enjeux et Horizons d'une Société en Devenir". Eds. Jean-Marie Fecteau, Gilles Breton and Jocelyn Létourneau. Montréal: VLB Éditeur, 1994.

Malloy, Maureen. "Imagining the Difference: Gender, Ethnicity and Metaphors of Nation", Feminist Review 51 (1995): 94 -112.

Mann, Coramae Richey. Female Crime and Delinquency. Alabama: University of Alabama Press, 1984.

McAll, Christopher. "Identités, Inégalités et Territoires: une Société à Déconstruire", La Condition Québécoise: Enjeux et Horizons d'une Société en Devenir". Eds. Jean-Marie Fecteau, Gilles Breton and Jocelyn Létourneau. Montréal: VLB Éditeur, 1994.

McClure, Christie. "Issue of Foundations: Scientized Politics, Politicized Science, and Feminist Critical Practice," Feminist Theorize the Political. Eds. Judith Butler and Joan W. Scott. London: Routledge, 1992.

Miami Theory Collective, ed. Community at Loose Ends. Minneapolis: University of Minnesota Press, 1991.

Miliband, Ralph. The State in Capitalist Society. London: Quartet Books, 1973.

—. Class Power and State Power. London: Verso, 1983.

Miller, David. "Citizenship and Pluralism", Political Studies 33 (1995): 432-450.

Miller, Toby. The Well-Tempered Self: Citizenship, Culture, and the Postmodern Subject. Baltimore: John Hopkins University Press, 1993.

Mouffe, Chantal. "On the Itineraries of Democracy: An Interview with Chantal Mouffe", Studies in Political Economy 49 (1996): 131-148.

—. Democracy and Pluralism: a Critique of the Rationalist Approach. Toronto: Faculty of Law, 1994.

—. The return of the Political. London: Verso, 1993.

—. "Feminism, Citizenship, and Radical Democratic Politics", Feminist Theorize the Political. Eds. Judith Butler and Joan W. Scott. London: Routledge, 1992.

—. "Citizenship and Political Identity", October 61 (1992): 28-32.

—. "Hegemony and New Political Subjects: Towards a New Concept of Democracy," Marxism and the Interpretation of Culture. Eds. Cary Nelson and Laurence Grossberg. Urbana: University of Illinois Press, 1988.

—, ed. Dimensions of Radical Democracy. London: Verso, 1992.

Nemiroff, Greta Hofmann. "That Which Divide Us; That Which Unite Us", Challenging Times: The Women's Movement in Canada and the United State. Eds. Constance Backhouse and David H. Flaherty. Montreal: McGill-Queen's University Press, 1992.

Naffine, Ngaire. Female Crime: The Construction of Women in Criminology. Hong Kong: Allen & Unwin, 1987.

Nicholson, Linda, ed. Feminism/Postmodernism. London: Routledge, 1992.

Nicholson, Linda and Seidman, Steven, eds. Social Postmodernism: Beyond Identity Politics. CA: Cambridge University Press, 1995.

Nozick, Robert. "Moral Constraints and Distributive Justice", Liberalism and its Critics. Ed. Michael Sandel. New York: New York University Press, 1984.

—. Anarchy, State and Utopia. United States: Basic Books, 1974.

O'Barr, Jean F. "Exclusion and the Process of Empowerment: the Case of Feminist Scholarship", Challenging Times: The Women's Movement in Canada and the United State. Eds. Constance Backhouse and David H. Flaherty. Montreal: McGill-Queen's University Press, 1992.

Offe, Claus. Contradictions of the Welfare State. Ed. John Keane. London: Hutchinson Publishing, 1984.

Okin, Susan Moller. "Political Liberalism, Justice and Gender", Ethics 105 (1994): 23 - 43.

—. "Women, Equality and Citizenship", Queen's Quarterly, 99, 1 (1992): 56 - 71.

O'Neil, Maureen. "Citizenship and Social Change: Canadian Women's Struggle for Equality," Belonging: The Meaning and Future of Canadian Citizenship. Ed. William Kaplan. Kingston-Montreal: McGill-Queen's University Press, 1993.

Parashar, Archana. "Essentialism or Pluralism: The future of Legal Feminism", Canadian Journal of Women and the Law 6 (1989): 328-348.

Parekh, Bhikhu. "Citizenship in a Multicultural Society". Paper presented at the School of Community and Public Affairs, Concordia University on April 3, 1996.

—. "Cultural Particularity of Liberal Democracy", Political Studies, special issue 30 (1992): 160-175.

Pateman, Carole. The Disorder of Women: Democracy, Feminism and Political Theory. Stanford, CA: Stanford University Press, 1989.

—. The Sexual Contract. Stanford, CA: Stanford University Press, 1988.

—. "Sex and Power", Ethics 100 (1990): 398 - 407.

—. "The Patriarchal Welfare State", Democracy and the Welfare State. Ed. Amy Gutmann. Princeton: Princeton University Press, 1988.

Patton, Cindy. "Refiguring Social Space", Social Postmodernism: Beyond Identity Politics. Eds. Linda Nicholson and Steven Seidman. Cambridge: Cambridge University Press, 1995.

- Peters, Jeff. "When Fear Turns to Hate and Hate to Violence", Human Rights 18 (1991): 22-25.
- Phelan, Shane. Getting Specific: Postmodern Lesbian Politics. Minneapolis: University of Minnesota Press, 1994.
- . Identity Politics: Lesbian-Feminism and the Limits of Community. Philadelphia: Temple University Press, 1989.
- Phillips, Anne. Democracy and Difference. University Park, Penn.: Pennsylvania State University Press, 1993.
- . "Must Feminists Give up on Liberal Democracy?", Political Studies XL, Special Issue (1992): 68-82.
- . Engendering Democracy. University Park Pennsylvania: Pennsylvania State University Press, 1991.
- Phillips, Susan D. "Discourse, Identity and Voice: Feminist Contributions to Policy Studies", Policy Studies in Canada: The State of the Art. Eds. Laurent Dobuzinkis and David Laycock Howlett. Toronto: University of Toronto Press, 1996.
- Pincus, Fred L. "From Individual to Structural Discrimination", Race and Ethnic Conflict: Contending Views on Prejudice, Discrimination, and Ethnoviolence. Eds. Fred L. Pincus and Howard J. Ehrlich. Boulder, Co: Westview Press, 1994.
- Pitkin, Hanna Fenichel. The Concept of Representation. Berkeley: University of California Press, 1967.
- . "Justice: On Relating Private and Public", Political Theory 9, 3 (1981): 327-352.
- Pitkin, Hanna Fenichel ed., Representation. New York: Basic Books, 1969.
- Poulantzas, Nicos. State, Power, Socialism. London: NLB, 1978.
- Radford, Jill and Stanko, Elizabeth. "Violence Against Women and Children: the Contradictions of Crime Control under Patriarchy", Women, Violence, and Male Power. Eds. Marianne Hester, Jill Radford and Liz Kelly. Philadelphia: Open University Press, 1996.
- Rafter, Nicole Hahn and Elizabeth Anne Stanko. Judge, Lawyer, Victim, Thief: Women, Gender Roles, and Criminal Justice. United States of America: Northeastern University Press, 1982.
- Ramos, A. G. The New Science of Organization. Toronto: University of Toronto Press, 1984.
- Rancière, Jacques. "Politics, Identification, and Subjectivization", October 61 (1992): 58-64.
- Rawls, John. A Theory of Justice. Oxford: Oxford University Press, 1971.
- Razack, Sherene. "What is to be Gained by Looking White People in the Eye? Culture, Race, and Gender in Cases of Sexual Violence", Signs 19, 4 (1994): 894-903.
- Rich, Adrienne. "Compulsory Heterosexuality and Lesbian Existence", Signs, 5, 4 (1980): 631 - 660.

Robson, Ruthann. "Pedagogy, Jurisprudence, and Finger-Fucking: Lesbian Sex in a Law School Classroom", Lesbian Erotics. Ed. Karla Jay. New York: New York University Press, 1995.

Roche, Maurice. Rethinking Citizenship: Welfare, Ideology, and Change in Modern Society. Cambridge: Polity Press, 1992.

Rosen, Jeffrey. "Like Race, Like Gender?", New Republic 4, 251 (1996): 21-27.

Rowbotham, Sheila. "Feminism and Democracy", New Forms of Democracy. Eds. David Held and Christopher Pollitt. London: Sage Publications Ltd., 1986.

Salée, Daniel. "Identity, Particularism, and the Decline of Liberal Democracy. Paper presented at the 5th international conference of the Karl Polanyi Institute of Political Economy. Unpublished, 1994.

—. "Identities in Conflict: Aboriginal Question and the Politics of Recognition in Quebec", Ethnic and Racial Studies 18, 2 (1995): 277-314.

Savoie, D. J. Thatcher, Reagan, Mulroney. In Search of a New Bureaucracy. Toronto: University of Toronto Press, 1994.

Schwarz, Benjamin. "The Diversity Myth: America's Leading Export", The Atlantic Monthly 275, 5 (1995): 57- 67.

Seidle, Leslie ed. Equity and Community: The Charter, Interest Advocacy and Representation. Montreal: The Institute for Research on Public Policy, 1993.

Seidman, Steven. "Deconstructing Queer Theory or the Under-theorization of the Social and the Ethical", Social Postmodernism: Beyond Identity Politics. Eds. Linda Nicholson and Steven Seidman. Ca: Cambridge University Press, 1995.

Shaw, Margaret et al. Survey of Federally Sentenced Women. Ottawa: Solicitor General Canada, 1991.

---, Paying the Price: Federally Sentenced Women in Context. Ottawa: Ministry of the Solicitor General, 1991.

---, Survey of the Federally Sentenced Women in the Community. Ottawa: Solicitor General Canada, 1991.

---, The Federal Female Offender: Report of the Preliminary Study. Ottawa: Solicitor General Canada, 1989.

Sheehy, Elizabeth A. Personal Autonomy and the Criminal Law: Emerging Issues For Women. Ottawa: Canadian Advisory Council on the Status of Women, 1987.

Silverman, Robert A., Teevan Jr., James J. and Sacco Vincent F., Crime in Canadian Society, 4th ed. Vancouver: Butterworths Canada Ltd., 1991.

Simon, Rita James and Jean Landis. The Crimes Women Commit, The Punishments They Receive. Toronto: D. C. Heath and Company, 1991.

Simon, Rita James. Women and Crime. Toronto: D. C. Heath and Company, 1975.

Simms, Glenda. "Beyond the White Veil", Challenging Times: The Women's Movement in Canada and the United State. Eds. Constance Backhouse and David H. Flaherty. Montreal: McGill-Queen's University Press, 1992.

Singer, Linda. "Feminism and Postmodernism", Feminist Theorize the Political. Eds. Judith Butler and Joan W. Scott. London: Routledge, 1992.

Smart, Carol. Women, Crime and Criminology. London: Routledge and Kegan Paul Ltd., 1976.

—, Feminism and the Power of Law. London: Routledge, 1989.

Smith, Anna Marie. "The Regulation of Lesbian Sexuality Through Erasure: the Case of Jennifer Saunders", Lesbian Erotics. Ed. Karla Jay. New York: New York University Press, 1995.

Spinner, Jeff. The Boundaries of Citizenship: Race, Ethnicity, and Nationality in the Liberal State. Baltimore: John Hopkins University Press, 1994.

Stivers, Camilla. Gender Images in Public-Administration: Legitimacy and the Administrative State. Newbury Park, CA: Sage Publication, 1993.

Sunstein, Cass R. "Introduction: Notes on Feminist Political Thoughts", Ethics 99 (1989): 219 - 228.

Taylor, Charles. Multiculturalism and the Politics of Recognition. Princeton, N. J.: Princeton University Press, 1992.

—. "Cross Purposes: the Liberal-Communitarian Debate," Liberalism and the Moral Life. Ed. N. Roseblum. Cambridge, Mass.: Harvard University Press, 1989.

—. "Alternative Futures: Legitimacy, Identity and Alienation in Late Twentieth Century Canada", Constitutionalism, Citizenship and Society in Canada. Eds. Alan C. Cairns and C. Williams. Toronto: University of Toronto Press, 1985.

Taylor, David. "Citizenship and Social Power", Critical Social Policy 26 (1989): 19-31.

Tessman, Lisa. "Who are my People? Communitarianism and the Interlocking of Oppressions", International Studies in Philosophy, 27, 1 (1996): 105 - 117.

Tremblay, Manon and Pelletier, Réjean. Que Font-Elles en Politique? Ste-Foy: Presses de l'Université Laval, 1995.

Tully, James. Strange Multiplicity: Constitutionalism in an Age of Diversity. Cambridge, MA: Cambridge University Press, 1995.

Ursel, Jane. Private Lives, Public Policy: 100 Years of State Intervention in the Family. Toronto: Women's Press, 1992.

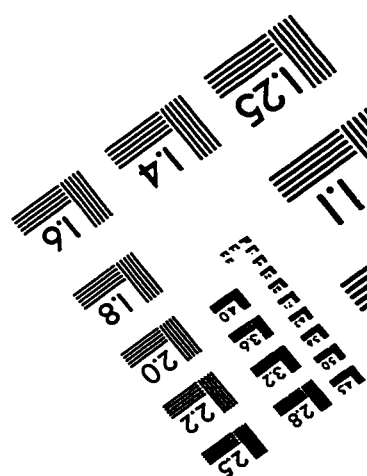
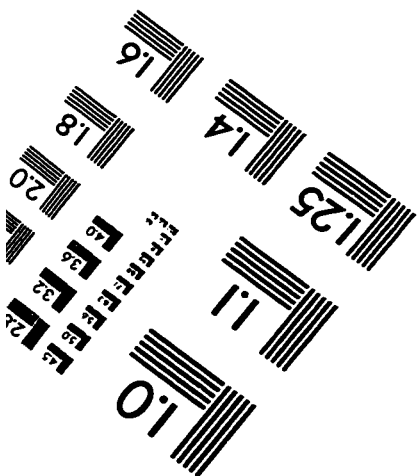
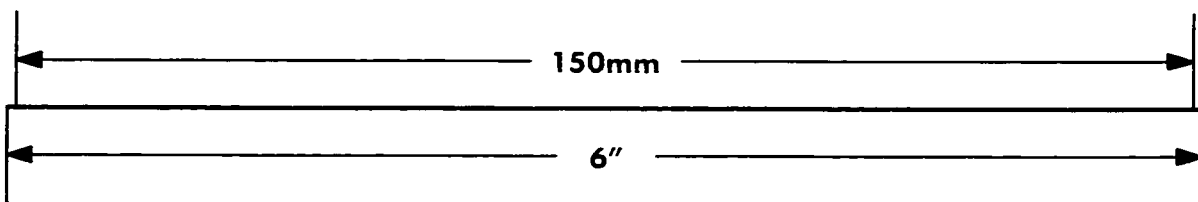
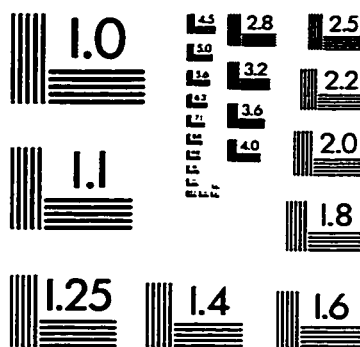
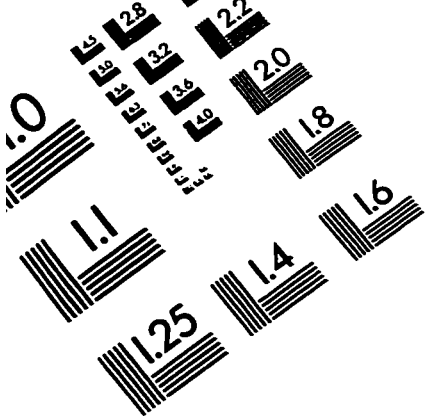
Vickers, Jill. "The Intellectual Origins of the Women's Movements in Canada", Challenging Times: The Women's Movement in Canada and the United State. Eds. Constance Backhouse and David H. Flaherty. Montreal: McGill-Queen's University Press, 1992.

—. Towards a Feminist Interpretation of Representation. (not published, 1995)

- Vickers, Jill; Rankin, Pauline; and Appelle, Christine. Politics as if Women Mattered: A Political Analysis of the National Action Committee on the Status of Women. Toronto: University of Toronto Press, 1993.
- Wainwright, Hilary. "A New Kind of Knowledge for a New Kind of State", A Different Kind of State? Popular Power and Democratic Administration. Eds. G. Albo, D. Languille and L. Panitch. Toronto: Oxford University Press, 1993.
- Warren, Donald. "White Americans as a Minority", Telos 104, (1995): 127-134.
- Warren, Marguerite Q. Ed. Comparing Female and Male Offenders. Beverly Hills: Sage Publications, Inc., 1981.
- Warren, Mark E. "What Should We Expect From More Democracy? Radically Democratic Responses to Politics", Political Theory 24, 2 (1996): 241-270.
- Webber, Jeremy. Reimagining Canada: Language, Culture, Community, and the Canadian Constitution. Kingston and Montreal: McGill-Queen's University Press, 1994.
- Weber, Max. "Bureaucracy", From Max Weber: Essays in Sociology. Eds. H. Gerth and C. W. Mills. London: Kegan Paul, 1947.
- West, Cornel. "A Matter of Life and Death", October 61 (1992): 20-23.
- Wilson, W. "The Study of Administration", Political Science Quarterly 2 (1887): 202-217.
- Wolin, Sheldon S. "Democracy, Difference, and Re-Cognition", Political Theory 21, 3 (1993): 464-483.
- Yeatman, Anna. Postmodern Revisionings of the Political. London: Routledge, 1994.
- . "A Feminist Theory of Social Differentiation", Feminism/Postmodernism. Ed. Linda J. Nicholson. London: Routledge, 1992.
- . "Voice and Representation in the Politics of Difference", Feminism and the Politics of Difference. Eds. Anna Yeatman and Sneja Gunew. Halifax: Fernwood Publishing, 1993.
- . Bureaucrats, Technocrats, Femocrats. Sydney: Allen & Unwin, 1990.
- Young, Iris Marion. Justice and the Politics of Difference. Princeton, N. J.: Princeton University Press, 1990.
- . Throwing Like A Girl and Other Essays in Feminist Philosophy and Social Theory. Bloomington: Indiana University Press, 1990.
- . "Justice and Communicative Democracy", Radical Philosophy: Tradition, Counter-Tradition, Politics. Ed. Roger S. Gotlieb. Philadelphia: Temple University Press, 1993.
- . "The Ideal of Community and the Politics of Difference", Feminism/Postmodernism. Ed. Linda J. Nicholson. London: Routledge, 1992.
- . "Polity and Group Difference: A Critique of the Ideal Universal Citizenship", Ethics, 99 (1989): 250-274.

Young, Lisa. Women in National Legislatures: An Evaluation of the Strategy of Pursuing Power for Women Through the Legislative Route in Nordic and Anglo-American Democracies. M.A. Thesis. Ottawa: Carleton University, 1991.

Yuval-Davis, Nira. "Women as Citizens", Women and Citizenship in Europe: Borders, Rights, and Duties. Eds. Anna Ward, Jeanne Gregory and Nira Yuval-Davis. Stoke-on-Trent, England: Trentham Books Limited and The European Forum of Socialist Feminists, 1992.



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