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Feminist Political Philosophy

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EDITORIAL

This is the first of a number of special issues of *Women's Philosophy Review* devoted to a specific part of feminist philosophy: feminist political philosophy. We were very happy to take on the special issue, looking forward to an exciting process of finding out what's being done 'out there' by feminist philosophers. Our editorial policy was consciously broad and inclusive. We tried to bridge the Anglo-American/continental philosophy divide by soliciting and including papers written from within both traditions and frameworks. This required a certain flexibility concerning styles of writing and argument which is not always easy for those trained and working in analytical philosophy. But we felt that the most important quality of such a special issue, given the diversity of this area and the readership of this journal, was to be a broad church welcoming all those who felt called to speak or to listen.

Feminist political philosophy has come a long way from its beginnings at the outset of second wave feminism. Such philosophy might be divided into three aspects and also, to some extent, phases. (These are not always as distinct as the classification suggests—in fact the three aspects are often combined.)

The first and most obvious aspect or phase is a critique of male-biased conceptions, both in the 'canon' of the great political thinkers and in contemporary political philosophy. Such critical reading has been the staple diet of anybody starting off in the field, as well as of feminist political theory courses. It is represented by various anthologies and texts on the 'great minds' such as Susan Moller Okin's *Women in Western Political Thought* and Diana Coole's *Women in Political Theory*. In this issue, **Joanna Hodge**'s reading of Derrida's political and other writings illustrates this type of work.

The second aspect is the constructive re-definition of concepts and rewriting of theories, theoretical frameworks and approaches. Often such re-definition and re-writing is argued to be necessary precisely because of the gender-blind, gendered or male-biased nature of the work by mainstream authors. Judith Butler's reconstruction of Foucault, Lacan and others, in *Gender Trouble*, or Susan Okin's rewriting of Rawls in *Justice, Gender and*

the Family are good examples of this type of theorising. In this issue, Martha **Nussbaum**'s description of her use of Aristotle and Rawls in thinking about 'feminist internationalism' illustrates such a critically constructive approach to 'great thinkers'. Similarly, **Meena Dhanda**'s work on identity and representation and **Diemut Bubeck**'s piece on citizenship illustrate the re-definition of concepts in order to accommodate the questions raised by gender and other 'differences'.

A third aspect and phase—and the boundaries between feminist political philosophy and political philosophy in general are not very clear here—consists of the broadening out of the thinking and writing beyond purely feminist concerns. In such theory, discussion is informed by, but not restricted to, feminist discussion and concerns, locating itself in and orienting itself towards political philosophy more generally. The work of Iris Young in *Justice and the Politics of Difference*, Anne Phillips in *The Politics of Presence* and Nancy Fraser in *Justice Interruptus* (reviewed in this issue) come to mind. All three thinkers have entered political philosophy by way of feminist theorising, but have established themselves as political thinkers with these books.

Entering mainstream political philosophy, however, does not leave the field itself unchanged. As feminist philosophers criticise and enter the debate, their interventions and conceptualisations represent a challenge to political philosophy's self-understanding. Having come from 'somewhere else', the critical standpoint of feminist thinkers extends to what constitutes the political and so results in a radical questioning of the very foundations of the discipline. The sense that politics could be thought otherwise results in writing that may appear to have less direct implications, but by virtue of its questioning, this work nonetheless makes an important contribution. Moya Lloyd's paper on Judith Butler illustrates this kind of approach: if Butler's theorising of identity stands, feminist (and other) politics need rethinking.

One of the main challenges facing contemporary feminist thought is the need to offer something to women evetywhere while simultaneously recognising the differences in women's situations across the world. We are pleased that some of the contributions engage with this challenge. Martha Nussbaum describes how, in her view, feminist philosophy can be both uni-

versal and specific, while Meena Dhanda applies Western theory to the Indian case. Our hope as editors is that diversity of thought, both cultural and intellectual, will continue to characterise feminist political philosophy in the future. We also hope that this special issue illustrates and contributes to such a healthy variety.

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FEMINIST POLITICAL PHILOSOPHY:
Interview with Martha Nussbaum

By Diemut Bubeck and Alex Klaushofer

Philosophy

WPR What first drew you to philosophy?

MN I was interested in philosophical questions very early—certainly from the time I was 14 or 15. I was thinking about many of the same issues I now write about—the nature of moral dilemmas, the moral role of the emotions, whether one could overcome anger by mercy and hatred by love. I also thought about political questions: the relationship between liberty and the human good, the tension between abstract political ideals and love of particular individuals. But I had not read any philosophy, so I did not think of these as philosophical questions. I read novels and plays all the time, and I thought of them as the sort of questions novels and plays confront. I wrote about Dostoyevsky on suffering, and so on. I even wrote a five act play about Robespierre and the French Revolution, and staged it in order to play the lead role myself. (In my girls' high school tall girls were always cast as men.) I think the play had in it a lot of the concerns that still grip me: for example, how can we bring it about that everyone has the chance at a fully good human life, while still permitting an acceptable degree of liberty? I would like to be thought of as the kind of liberal who takes Robespierre seriously.

WPR In your Seeley Lectures on 'Feminist Internationalism' (given in Cambridge, Spring 1998), you call for a philosophy that is 'responsive to reality'. Doesn't all philosophy ultimately respond to reality, but with different conceptions of what 'reality' is? Your general Aristotelian realist approach to philosophy might well

be questioned as naively realist from other philosophical perspectives.

MN Of course I do not neglect the complexity of saying what 'reality' is, and I tried a while back to argue that this issue complicates, but does not derail, the Aristotelian enterprise I want to carry forward. (See Nussbaum, M. (1993) 'Non-Relative Virtues: An Aristotelian Approach', in M. Nussbaum and A. Sen (eds) *The Quality of Life*, Clarendon Press.) I guess it has to be true that all philosophy responds ultimately to reality, but the question is how much of reality, and with what degree of obtuseness? Many philosophers think only of the writings of other philosophers when they write. Although those writings are no doubt 'reality', they are not the same thing as the life of a poor manual labourer in Trivandrum (India), and they often impede the philosopher from imagining those lives. What I mean is that philosophy needs experience of the world outside the academy.

In particular, philosophy dealing with social justice for women had better get experience of a wide range of women's lives in different parts of the world. This experience is essential even to get the right questions onto the table. For example, we all know how long male political philosophy managed to avoid questions about distributive justice inside the family, and related questions about domestic violence and women's hunger, as well as women's literacy. Some of this evasion was caused by active bad faith, but a lot, I think, was caused by the fact that these people didn't try to look and see how women were living, or to imagine what their lives were like. We all can cite scores of examples of philosophers, otherwise very sensible, who say ludicrous things about women that are the product of armchair fantasy—Aristotle, Rousseau, Schopenhauer, Kant. As Mill rightly said, we will only get the questions of gender justice correctly articulated if we are willing to look and see. And Western feminists frequently have related difficul-

ties thinking about the lives of poor women in developing countries.

Feminist Philosophy

WPR You have spent quite some time over the last few years considering the questions that are raised by gender relations for philosophy. How would you define feminist philosophy, and specifically feminist political philosophy? Is feminist philosophy distinct from other types of philosophising?

MN One of the things I value in feminist philosophy is its tremendous variety, so that makes it difficult for me to give a definition. I would like to find a definition that could include Susan Okin and Catharine MacKinnon, Judith Butler and Barbara Herman, Jennifer Hornsby and Luce Irigaray. I guess I would say that feminist philosophy is philosophy that focuses on the injustices women have suffered through being women, and that is determined to make proposals for the rectification of these injustices.

Given this broad definition, deliberately crafted so as to include different conceptions of feminist methodology, I have to deny that there is any way in which feminist philosophy as such is distinct from other types of philosophising. As to what I myself think about how one should do feminist philosophy, feminist philosophy is good philosophy without the evasiveness, obtuseness, and double-dealing that has frequently characterised male philosophising when women's lives are the topic of discussion. I do think that women's experience provides rich resources for feminist philosophy, but since I believe that experience can be corrupted by oppression and injustice, as well as by lack of opportunity and lack of education, I have to deny that women's experience as such provides a privileged starting point for political philosophy, even of a feminist sort. We have to raise all the familiar epistemological questions to get an ade-

quate starting point: where did these judgments and beliefs come from? What might be wrong with them? How could we move from these beliefs to something more like knowledge?

WPR Can philosophy help bring about changes in women's lives, and if so, how? And what kind of philosophy can do so? Is postmodern feminist theory unhelpful in this respect?

MN Philosophy can bring about change in many ways. One way I associate with my colleague Catharine MacKinnon. Her theorising has always been directly practical, aimed at concrete legal changes. MacKinnon is suspicious of abstract theorising, and she doesn't even believe that universals should be articulated very much in advance of the political struggle. Her own work has always been focused on concrete political projects: sexual harassment, rape law, pornography. Because she is in law, where academics can pretty directly bring about change, this focus makes great sense. My own type of practical work is by and large more indirect. I want to put forward a theory that can be taken up by others who are directly involved in development work or policy making or legal change. I have none of the gift for practical politics that MacKinnon has. Like most philosophers, I'm most at home in my study, and what I do best is write. But writing can change things, and good political philosophy has always had the power to influence the world. Locke, Montesquieu, Rousseau, Grotius, Kant, Smith, Dewey—these are only some of the philosophers whose theorising has changed things. I think these are good models to follow.

The world of political practice is full of bad theory—for example, crude accounts of human motivation and choice that are taken for granted by neoclassical economics. Philosophers have a lot to say about the defects in economic models of development and quality of life. One of the things Amartya Sen and I wanted to do

through our project with the UN was to bring those criticisms to bear on the daily working of development economics. By now, through his work on the Human Development reports, Sen has had a major influence on development practice: just using different categories to package information makes a tremendous difference to what people see and what they are able to imagine. My own work is less directly practical than this, but I would like to think that all sorts of people, activists, social scientists, lawyers, even economists, will find in it something useful.

Can postmodernist feminist theory change the world? Good question. I certainly can't imagine the leading postmodernist thinkers sitting down with a group of economists and policy makers and getting them to change the way they do things. The work is just too abstract and inaccessible for that. Nor do I imagine that they would have an easy time relating to activists in developing countries, because they speak so little about the material side of life. I think that postmodernist feminists, influenced by a specifically French conception of politics, think that they are changing lives when they effect changes in the symbolic domain. Whether anyone gets more food as a result of this is what I would wonder.

Some postmodernist feminist thought strikes me as going beyond abstractness to a kind of quietism that I find disturbing. Thus Judith Butler argues in her recent book, *Excitable Speech: A Politics of the Performative* (Routledge, 1997), that we should not have laws meting out special penalties for hate speech, or permitting lawsuits for damages connected with pornography. We should stick with the legal status quo. Why? Because to have such laws would close a space within which people can choose to perform their resistance—meaning that they can take the hate-term and use it in their own way to give it a different meaning. Well, really! We could also argue that there should be no laws against rape because these laws close the space within which the

raped women could perform their resistance. Or, to stick more narrowly to speech, we could argue that there should be no laws against misleading labelling of food, or unlicensed medical advice, because such laws close the space within which the poisoned consumers could perform their resistance. These are ideas about law that I associate with my libertarian colleagues Richard Epstein and Richard Posner, not with anyone who claims to be progressive or even radical.

Liberalism, Feminism and Neo-Aristotelianism

WPR Both your general philosophical and your feminist interests seem to have converged recently in the development of a distinct liberal political theory and the defence of liberal feminism. From your discussion in the Seeley Lectures, it looks as if you want to have your cake and eat it, too: you endorse a list of basic capabilities which should be achieved for everybody and are particularly important for women—life; bodily health; bodily integrity; senses, imagination and thought; emotions; practical reason; affiliation (including self-respect and non-humiliation); relation to other species; play; control over one's political and material environment—whilst insisting on the importance of choice protected by the traditional list of liberties and rights. Surely, the capabilities list is a substantive conception of the good, even if it is not comprehensive, and the obligation of the state to ensure these capabilities cannot be claimed to be neutral. So on what grounds can you call yourself a liberal political philosopher and feminist? Or is the promotion of the capabilities listed compatible with neutrality towards conceptions of the good?

MN The capabilities list is certainly a substantive moral conception, albeit a partial one and one that makes liberty central. I emphasise that the conception makes room for choice in five distinct ways.

1 The traditional liberties are central elements on the list.
2 Each item on the list can be realised in a variety of distinct ways, and this is deliberate.
3 The list is a list of capabilities, not functionings: it directs government to make it possible for people to choose the various functions, not to dragoon them into functioning. A person with plenty of food can always choose to fast, but there is a great difference between fasting and starving.
4 The conception is put forward as the ethical core of a form of political liberalism in the Rawlsian sense, one that should be able to command an overlapping consensus among people who otherwise have different comprehensive conceptions of the good.
5 The conception will not be forced upon people: my idea about implementation is that it is a recommendation that citizens will have to enact through their own constitutional politics, although in certain especially grave instances international pressures may be brought to bear if they do not.

Of course, despite these qualifications, the list is not altogether 'neutral'. But the idea that liberalism must be altogether neutral ethically is not an idea of liberalism that I have ever had. Unlike comprehensive liberals such as Mill and Joseph Raz, I think that liberalism should aim to protect spaces within which non-liberal conceptions of the good can flourish. My own list does this, for example, in the unusually generous protection it gives to religious liberty. But it does make certain basic ethical requirements universal, and it asks citizens to endorse them as the core of a political conception. It does not ask them to endorse any specific metaphysical interpretation of the core, and they may graft it onto their own comprehensive views in many different ways; but they are asked to endorse it. This is not in tension with liberalism (agreeing here with Rawls), because liberalism is best understood as motivated centrally by the idea that each person should be treated as an end. To

fulfil this basic idea we have to be non-neutral in certain ways.

WPR Rawls' liberalism seems to be one of the more recent influences on your thinking. Do you think there is a tension between your Aristotelian 'origins'—which have pointed others in a communitarian direction and towards a critique of liberalism—and a Rawlsian liberalism? Is it this tension that you are trying to address with your capabilities approach? Like Rawls, you stress the separateness of persons, but you give the interpretation of the concept an interesting gloss by stressing the physical, bodily distinctness of persons as well as the particularity of their experience and circumstances. Can you comment on this gloss?

MN Rawls has always been a major figure in the background of my thought, but perhaps I could not acknowledge the importance of his thought while I was his student and junior colleague and his thought was the centre of all attention. I had to find my own direction, and then come back to his thought with a fresh eye. Also, I was for a long time more interested in moral than in political thought, and so Rawls was in that way less central to what I was doing. Now I do feel that I need to put what I have learned from Kant and Rawls into my own project, and for that reason I frequently teach both Kant and Rawls. I don't think that there are any special tensions here, because I'm not trying to be a disciple of either Aristotle or Rawls, I'm just trying to figure out what I think. The only difficulty I encounter is that Rawls' conception is so wonderfully rich and so well worked out that it's rather like a very powerful vacuum cleaner, it just sucks you in so that you begin seeing all questions from the point of view of someplace inside his theory, and you become uncertain of your own identity. The minute that starts happening, I put the book down and go for a long run.

It is true that I stress the bodily aspect of the sepa-

rateness of persons more than Rawls does. Although he sets out to collapse Kant's distinction between the moral and the empirical, he may retain traces of that distinction in the way he talks about persons. One advantage of starting from Aristotle is that you aren't saddled with that distinction in the first place. You see the person's humanity as thoroughly embodied, and you see the body as something human and not simply animal.

Aristotle is such a tremendously influential figure in the history of Western philosophy that it is a rare political approach that does not try to hook itself up with Aristotle in some way. What he supplies to political thought is a rich conception of a truly human mode of functioning, together with an idea of the role of political organisation, namely that it should provide support for the most central of these human functions. But, in addition to the huge gap in the area of liberty, Aristotle lacks two other things that are essential to good political thought. First, he lacks the idea that any human being *qua* human is an object of moral concern. He lacks this idea because he lacks any conception of duties to people outside the polis. I believe that the Stoics supply this lack, and are the first real universalists in Western political thought. Second, Aristotle lacks the idea that politics and ethics should not overlap completely. In my manuscript I defend a form of what Rawls has called 'political liberalism': that is, not just defending liberty as central, but also insisting that the political conception is not a comprehensive conception of what has value. It should be regarded as a common core that can be endorsed by people who have otherwise very different (religious or secular) conceptions of what has value. This idea, that there are different reasonable conceptions of the good human life that politics should protect, is not a Greek idea at all and is for the most part a modern idea—although we see some elements of it in the Mogul Empire, with its rich doctrines of religious toleration and pluralism. We sometimes suppose

that this is an Enlightenment idea, but India had it first!

In short, then, there are really no tensions between my Aristotelian starting point and my liberalism, because I have never been interested in defending everything Aristotle said, and a tension would arise only if one had that aspiration. I take what I find good, and I leave the rest aside. Of course, someone may find that there are internal incoherences in the resulting picture, and I hope I will discover them if there are.

WPR In your Seeley Lectures, you defend a universalist liberal feminist approach based on an interpretation of the capabilities list that specifically addresses women's issues and interests. Any defence of universalism in a feminist context is courageous, given the current stress on 'differences'. Your main defence against criticisms is that your capabilities list has been tested out on women and feminists from various countries, and that it is in a process of further change and adjustments as further responses reach it. The main 'test case' in your lectures, though, seems to be women in India, and it is clear from your discussion that your experience of talking to women in India has caused you to add certain points (such as the stress on equal property rights for women, especially land rights, and equal rights to seek employment), to be cautious in your endorsement of others (such as the importance of one's relationship with nature and animals), and even to strike off a point (the right not to be discriminated against on the basis of one's sexuality, as this was highly contentious and not capable of consensus in the Indian context).

Several questions arise from this method. First, if it is to be truly universal, should you not 'test' your list in a more representative sample of countries, such as the formerly communist countries in Eastern Europe, and countries in Africa and South America? Secondly, do you think further testing would lead you to be cautious about or strike off further points from the list? Thirdly,

if so, you will have to strike a balance between, on one hand, the conservative tendency of an Aristotelian empiricist approach, and, on the other, a critical and thus more controversial stand towards certain well-ingrained beliefs such as on homosexuality. Leaning towards the former will help you maintain your claims to universalism, but at the expense of a critical edge, whilst leaning towards the latter will allow you to criticise what you think are 'adaptive preferences' or mistaken beliefs and values, but undermine your claims to universality based on actual consensus.

Would the really courageous step be to argue for universality despite actual disagreement from certain women? If so, would that motivate you to reconsider your rejection of proceduralist interpretations of universality, such as Rawls' or Habermas' or Jean Hampton's, where universality is said to be achieved under certain ideal conditions for reaching consensus? For example, in your third lecture on the 'Role of Religion' you end by insisting that sometimes the defence of the 'basic principle' of freedom of religion implies going against the interpretations of religious leaders. Similarly, we might say, the defence of the 'basic principle' of 'having opportunities for sexual satisfaction and for choice in matters of reproduction' must imply going against the interpretations of some women of what 'good' and 'bad' sexuality is.

MN This question is as difficult as it is long! I will make a halting attempt to answer at least some of it. I focus on the example of India, because I think that it is better to draw one's concrete examples from a nation one knows in some detail, rather than to pull in examples from all over, out of context. India already has tremendous variety—seventeen languages, at least five religions, tremendous differences of region, class, and culture. So even if the list were only tried out on women in India, that would be a huge number of different sorts of women.

But actually the trying out and the use of examples are separate. I have tried to present this material at UN meetings involving people from every country I could get to come there, and I have thus been influenced by much more than the ideas I find in India. One particularly large influence on my thinking came from Nkiru Nzegwu's fine work on African women's collectives, which first drew my attention to the importance of thinking about the role played by sources of community and friendship outside the family, something that is now a major part of my project. Women from Latin America and China have also influenced my thinking, not only at WIDER (World Institute for Development Economics Research) but also on trips to China and Peru. Of course I don't want to come up with something that every actual woman agrees with; that would be pathetically thin. To say that the list can command an overlapping consensus among the reasonable comprehensive conceptions, however, I do have to have an idea of how it stacks up against what people are really doing and thinking.

So how does one balance a critical edge against the interest in consensus? The question of homosexuality is an especially good example here. There is no doubt that non-discrimination on the basis of sexual orientation cannot command a consensus in India at this point (as, interestingly, it can in South Africa). The nation as a whole is intensely homophobic, and many feminist activists themselves share this sentiment. My own view is that such non-discrimination is part and parcel of non-discrimination on the basis of sex. But should I therefore put it onto the capabilities list—with the result that the list will look to most Indian women, including many feminists, like a Western imposition? Or should I leave it off the list, simply stating my own belief that the further interpretation of the list over time will show that it is entailed by what is on the list? I have taken the second course for now.

I think this is an extremely difficult question. I do

feel that the more one talks about this topic the more people favour non-discrimination. Indeed, there is now a lot of empirical evidence on this point, showing that people who are aware that they know a gay or lesbian person have more tolerant attitudes. This suggests that the preference for discrimination is one of the preferences that would be corrected even by the forms of proceduralism that I ultimately find inadequate. But to rule by fiat that any view containing it is unreasonable is a move I have not been willing to make because it would rule out so many of the major religions, and also the views of many feminist leaders and activists in many countries. If we were starting *de novo*, we would know how to proceed, but since I am addressing people here and now, I cannot simply lay out an ideal that I find compelling. I should welcome your readers' thoughts and recommendations on this point.

WPR You disagree with Susan Moller Okin's argument that the state should promote, if necessary through legislation, an egalitarian sexual division of labour in the family, taking a much more hands-off and traditionally liberal line about the family than Okin herself. It seems that you agree with her, however, that the family is a crucial site where gender differences are reproduced. Suppose, then, that equal capabilities for women and men can only be achieved if the division of labour in families is egalitarian: would this not imply an obligation by the state to promote or even enforce an egalitarian division of labour? In other words, the disagreement with Okin, while seemingly over a matter of principle, may in fact be one over matters of fact.

MN Okin, I think, is a comprehensive liberal like Raz and Mill: she thinks that liberal norms of autonomy should be promoted by the state not only in the core of the political conception but also comprehensively, wherever the state can promote them. She thinks it advisable for the state to try to diminish the influence of hierarchical

religion and many other forms of voluntary association that do not conform to liberal norms. As a political liberal, I find this disrespectful of one's fellow citizens, who ought to be respected as they pursue their own conceptions, even if one does not particularly like them. So I am inclined to be more protective of religion than Okin is.

On the family, however, we are closer to agreement, because the family contains children whose capabilities are shaped for good or ill by what goes on there. It's one thing to allow adult women to choose to enter a hierarchical relationship—as I believe we should, if they do so with all the capabilities on the list firmly assured to them by the state. It's another thing to allow girls to be made to do work that takes them out of school, as happens all the time in India. So I am a big defender of compulsory primary and secondary education for all children, and I think the state should not only enforce this but offer incentives to parents in order to compensate them for the child labour that will be lost. In addition, the state should make sure that the content of public education promotes girls' sense of their equality and worth. Should the state forbid parents who do send their girl children to school from assigning them domestic tasks that impede their academic progress, when boys have no such tasks? I don't think the state should actually forbid this—this would be too big a blow to freedom of association—but I think it's perfectly right for the state to use both incentives and disincentives to break up such practices. And where the practices actually do demonstrable harm to girl children's health and safety, they should, of course, be illegal. Thus I have argued that the giving of dowry should be, as it is, illegal in India, given the association of that practice with low female education and with violence against young women.

The Future

WPR Where should feminist political philosophy go from

here? What are the problems it needs to address and interesting questions it should pursue?

MN I think we need much more work on international issues: issues of obligations across national boundaries, issues about the international human rights movement, issues of universalism and its critique. We also need more work on concerns that are extremely salient in developing nations but less so in Europe and North America, such as women's nutrition and health, women's literacy, women's access to equal property rights, women's equal freedom of association, right to travel, and so forth. Obviously these issues are already being treated by the social sciences and the international women's movement, but I think that philosophers have something distinctive to say about them, and we should increasingly do so, preferably in consultation and partnership with feminist scholars and activists in other nations.

WPR What are your own plans for future work? Will you continue your work in feminist political philosophy, or are you heading into other areas of philosophy?

MN After I finish the book based on the Seeley Lectures, I must return once again to the book on emotions that is based on my Gifford Lectures and try to finish that. A portion of it is soon to be performed as a philosophical dialogue, as a result of the philosophical dialogue competition sponsored by the *European Humanities Research Centre* in Oxford, and I must decide whether that dialogue version should go into the book. I think this work is feminist because the topic of emotion is one that feminists have rightly thought important, and several of the chapters raise feminist issues directly.

Then I am scheduled to present a series of lectures at Yale in 1999–2000 on Cosmopolitanism. These lectures will focus on episodes in the history of our thought about our obligation to respect humanity as an end in

itself. I shall begin with the Greek Cynics and Stoics and carry on with Cicero. Cicero is the villain in my piece, despite my great admiration for him, because he introduced the distinction that has dogged us ever since, between duties of justice, which are strict, and duties of material aid, which are not at all strict. I then look at how the Ciceronian distinction shaped the efforts of Grotius and Kant, and end with some thoughts about modern international law. Obviously this work is feminist in a deep sense, but it will deal less directly with women's lives. In the long term, I plan a much larger book on the capabilities approach that will go into a lot more philosophical detail about issues of justification that were relatively neglected in the Seeley book.

Of course I have a number of other shorter projects in the works. I've done a paper on disgust that is coming out in a volume on emotion and the law. This paper is very much concerned with feminist issues and argues that because of its long relation to misogyny and other suspect attitudes, disgust should play no role in the law. I talk a good deal about the distinction between obscenity and pornography. Also, I have not stopped doing more technical scholarship on Greek philosophy: I have a long paper on Musonius Rufus, a Roman Stoic of the first century AD, who wrote about the equal education of women. I try to sort out the different elements in his thought and to evaluate them. Then there are projects of a rather lighter sort. My partner, the legal thinker Cass Sunstein, and I just edited a collection of articles on human cloning that was recently published and is surprisingly popular. I wrote a short story in that, and we had a really interesting group of writers exploring the issue—scientists, economists, legal thinkers, fiction writers, and one poet.

Since Cass and I had so much fun doing this book we will probably try to find another project to work on together. I'd like to co-author something with my daughter too, but she probably won't let me. (She is a

graduate student in German intellectual history, who is doing exciting work on the relationship between music culture and political culture in Weimar Germany.) At least she is permitting me to attend her first big paper presented at a public meeting: a paper on Schoenberg and Simone Weil at the American Society for Aesthetics.

WPR Where should feminist politics go from here? What are the most urgent issues it needs to address, and can feminist political philosophy help to clarify those?

MN Well, all the same issues I mentioned above, plus more determined work on the issues that have long been addressed, such as the reform of rape law, sexual harassment, and the others. I do think that feminist political philosophy can help address all these issues. I love the profession and I have great confidence in its future, especially where feminism is concerned.

Feminist Politics in the US

WPR Would you like to comment on feminist politics in the US, specifically in Clinton era?

MN We are seeing a terrible backlash against the politically committed type of feminism that my generation grew up in. Now it is very fashionable to spurn the label 'feminist' and to associate it with man-hating, or with excessive whining and complaining. Women are increasingly, once again, being portrayed as cute and coy, even dumb, and flaunting their sexuality in way that would once have been objected to as a sexist stereotype. The only television show that always reassured me was *Murphy Brown* (Candice Bergen is one of my heroines), but that has now been cancelled. (The programme depicted the life of a tough political journalist who also became a single mother—prompting an outraged denunciation of the programme by then Vice-President, Dan Quayle.)

The infantilisation of women by the media has been encouraged by many women, and it is difficult to get people even to notice that women still face tremendous inequalities in our country. And yet they do. The economic position of women, especially single mothers, is still very perilous, and in some ways becoming more so. Rape law in the USA has not yet been sufficiently reformed. About half of our states, for example, have some sort of exemption or reduction for marital rape. On sexual harassment there has been a lot of progress, but it is still rampant, and educational institutions lag well behind businesses in drawing up reasonable codes of conduct.

Lesbian women face terrible discrimination throughout our society, as, of course, do gay men. Our profession is not innocent: a former student of ours, now teaching at a major university with a religious affiliation, is openly lesbian, and half the philosophy department simply refuses to speak to her. Many Americans have the idea that homosexuality is the worst sin, worse than cruelty, brutality, greed, and exploitation. It is hard to see what Biblical evidence they could adduce for this thesis. As Laurence Thomas points out in a very nice recent paper, the prophets denounce Israel for many sins, but homosexuality is not mentioned among them. Jesus is silent on the subject. Even Leviticus has nothing to say about lesbians, and it mentions same-sex relations between men only once, far less frequently than many other sins. Moreover, people feel free to pick and choose, treating some prohibitions as functions of historical context: thus we do not hear people urging the public stoning of fortune tellers, another recommendation of Leviticus.

But Americans think that they know that same-sex relations are the worst thing in the world. Whatever leads them to this view, they behave extremely badly as a result. An alumnus of our law school, James Hormel, was nominated to be ambassador to Luxembourg, and the Senate simply blocked his confirmation because he

is gay. The people in Luxembourg said that they would welcome a gay man; indeed they have non-discrimination laws, they pointed out. But our Senators were not interested in what the people of Luxembourg wanted, they were only interested in themselves. In this climate, no President could nominate any gay or lesbian person for a major appointment that requires Senate confirmation. This is an issue on which we need to fight much harder, mustering all the resources of reasonableness, civility, and persuasiveness that we know.

I think there are ways that philosophers can help shift the climate of public debate. Saul Olyan (a fine scholar of Judaic Studies from Brown University) and I just edited a collection on *Sexual Orientation and Human Rights in American Religious Traditions* (Oxford, 1998), which pairs liberal and conservative essays within four major religious traditions (Judaism, Roman Catholicism, mainstream Protestant churches, and African-American churches). We hope that fostering civil debate between liberals and conservatives in each tradition will help to produce a better political climate.

You see, I always have this confidence in reason. I think that if people just sit down and talk calmly together using good arguments, things will get better. (My daughter, who considers herself a Nietzschean romantic and not at all a rationalist, was once in a tense debate in her graduate history colloquium, and she found herself appealing for mutual respect and civility between the contending groups—and she told me she couldn't believe that voice was coming out of her mouth. It's like the maternal *dybbuk*.) But whether or not my view is correct, I think it is a good practical postulate to adopt if one is going to continue working for political change, as I most certainly am.

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POLITICS AND MELANCHOLIA

Moya Lloyd

In her most recent book, *The Psychic Life Of Power: Theories in Subjection* (1997), Judith Butler turns to the question of the psychic effects of social power. Combining Freudian and Lacanian psychoanalytic insights with a Foucauldian insistence on the productivity of power, Butler develops an account of subjectivity that pays attention to the intersections of power and the psyche. In particular, she concerns herself with the question: 'What is the psychic form that power takes?' (Butler 1997, p. 2). Her claim that the psyche is both an effect of power and one of the ways in which power is embedded in subjectivity highlights the ways in which subjection requires subordination or submission to the operations of power. It also shows how through that subjection 'passionate attachments' to particular modes of identity are generated. Given her, now familiar, contention that subjectivity is produced only in repetition or reiteration, this prompts her to ask how it is that subjects become attached to their repeated and continued subjection to power.

In this paper, I want to consider one instance of this relation between the psyche and power, that is Butler's account of melancholia as productive of gender identity. I will argue that her increased reliance on psychoanalytic ideas in her later works (*Bodies That Matter* and *The Psychic Life Of Power* specifically) substantially alters the account of gender first offered in *Gender Trouble.*[1] While the treatment of psychoanalysis in *Gender Trouble* is principally critical—Freud appears as an exponent of the expressive theories of gender that Butler is at pains to undermine—in her later texts, it has a central role in explicating gender identity. Indeed, where in *Gender Trouble* Butler's account of psychoanalysis and gender performativity are deliberately kept apart, in her more recent writings they are dealt with in tandem as crucial elements of a single explanation of gender.[2] It is my aim to show that the alterations brought about by this turn to psychoanalysis not only affect the theory of gender performativity as outlined in *Gender Trouble*, but also lead to a material

rewriting of the kinds of political practice advocated in that same work. In developing this argument I will pay particular attention to the case of drag, that leitmotif of Butler's writing. Specifically, I will contrast the account of drag deployed in *Gender Trouble* with that proffered in her latest work. My purpose here is to examine the consequences for politics of the more recent claim that drag, far from leading to the destabilisation of heteronormativity by moving beyond the confines of binary categories ('man' and 'woman', 'heterosexual' and 'homosexual', 'masculine' and 'feminine'), represents a form of psychoanalytic 'acting out' generated by the avowals and disavowals constitutive of melancholia. This leads to the question that ends the paper: how does melancholia configure the nature of politics in which melancholic subjects can engage? To begin, however, I want to examine the description of subjectification offered in *The Psychic Life of Power*.

Passionate Attachments: Tropic Subjectivity

To be dominated by a power external to oneself is a familiar and agonizing form power takes. To find, however, that what 'one' is, one's very formation as a subject, is in some sense dependent upon that very power is quite another (Butler 1997, pp. 1–2).

Drawing on Foucault's idea that subjectification (*assujetissement*) involves a double move—the process of being subjected by power just as one becomes a subject—Butler focuses, in this book, on the paradox of just how it is that our continuation as particular kinds of subjects requires our continued subjection to power. Since power forms us as subjects, to continue in existence is to continue to accept our subjection by power. Indeed, she argues, that the subject is 'passionately attached' to his/her own subordination. Our very desire for survival, on this reasoning, requires that we depend necessarily upon that which subjects us. Just as an infant depends literally upon someone to sustain her/him in life, so we as specific forms of sexual (and other) subjects depend upon the mechanisms of disciplinary and regulatory power to sustain us. Where Foucault was principally concerned with the workings of power, Butler by contrast looks at the psychoanalytic implications of this dependence and at how the for-

mation of subjectivity comes to involve the regulatory formation of the psyche. What, she asks, does this process of subjection say about our psychic life?

In advancing her answer to this conundrum, Butler utilises the rhetorical figure of the *trope* (turn). Subjection, as we have seen, involves being subjected by power at the same time as becoming a subject. This double move assumes a figurative turn—'a turning back upon oneself or even a turning *on* oneself' (Butler 1997, p. 3). The turn is figurative because it *explains* the process of subject-formation; there is, after all, no literal subject that makes the turn since it is the turn that constitutes the subject. '[T]he turn appears to function as a tropological inauguration of the subject' (ibid.). Althusser's account of interpellation succinctly embodies this tropological moment. Hailed by the authoritative voice of the law—the policeman in the street calling 'Hey, you there!'—the individual turns towards the voice and in that moment of recognition is transformed into a subject of ideology. In the moment of recognition, subjectification (in its dual sense) occurs.

However, my concern in this paper is not with Althusser but with Butler's assessment of Freud's ideas on melancholia. For like the concept of interpellation, the concept of melancholia is based upon the trope of the 'turn'. However, while Althusser can offer no ready explanation of why the individual accepts the normalising terms of the law and, as such, no reason for submitting to the voice of the law,[3] Freud's notion of melancholia can explicate the reason for submission and, thus, offers a clue to the psychic form that power takes. Power is not merely internalised by the subject according to Butler's interpretation; rather, power fabricates the psyche in the moment of the turn. The subject thus appears at the same time as the unconscious. So how does the process of turning work in relation to melancholia? How, in turn, does melancholia operate in relation to gender identity?

According to Freud, melancholia is the effect of an unfinished process of grieving whereby the ego identifies with what is lost as a means of preserving that object.[4] The ego thus turns (back) on itself when love is unable to find its object and takes itself as an object of love (and indeed of hate, criticism and beratement). Melancholic identifications or incorporations,

therefore, are themselves constitutive of the ego. Butler considers how this may operate in relation to the gendering of the ego. She examines the way in which certain disavowed identifications sustain heterosexual identity. Freud's account of the Oedipal conflict presumes, Butler asserts, a prior prohibition on homosexuality, since this conflict is predicated on an already achieved heterosexualisation of desire (embodied in the desire of the son for his mother). This suggests, in turn, that all heterosexual desire should be understood as founded upon a certain ungrievable and unacknowledgable loss: that of homosexual identification. A girl becomes a girl through a prohibition that bars or prevents her mother's functioning as an object of desire.

Yet the mother is not simply eradicated as an object of desire; instead she is installed in the ego through the mechanism of melancholic incorporation. Identification with the mother simultaneously prohibits desire for her and yet retains that desire, albeit it as something whose loss cannot be openly grieved. The tenuousness of heterosexual masculinity or femininity is predicated, thus, on a foreclosed abandonment—or an exclusion—of homosexual attachment; on what Butler terms the 'never-never': 'the "I never loved her, and I never lost her", uttered by a woman, the "I never loved him, I never lost him", uttered by a man' (Butler 1997, p. 138). In other words, unavowed (or disavowed) loss is pivotal in the 'turn' that genders the ego. Although necessary to the formation of the subject, this dependence on the lost object is left unacknowledged. 'By incorporating the spectral remains of the dearly departed love-object, the [gendered] subject vampiristically comes to life' (Fuss 1995, p. 1).

If we link this discussion of the tropological nature of subjectivity back to Butler's account of passionate attachment, we can see that the gendered ego, understood as a 'congealment of a history of loss', is the result of turning (Butler 1997, p. 169) and that this 'turn' not only forms the subject but subordinates him/her in the process. Since the inauguration of the subject presupposes a constitutive submission to power (understood in terms of social regulations such as compulsory heterosexuality amongst other things), and since the continued existence of the subject requires continued submission to power (indeed this is the very

condition of its possibility), it follows that every subject is passionately attached to the things upon which it is dependent for its very existence. And yet this attachment to dependency is simultaneously denied, disavowed, foreclosed since it is the very condition of impossibility for the continuation of that self-same subject. The 'never-never' structure of homosexuality that underpins heterosexual identity cannot be acknowledged since to do so is to threaten the very coherence of heterosexual identity.

Much could be said about Butler's reworking of melancholia. Here I want to concentrate on what the incorporation of this concept in Butler's later work means for the theory of gender identity outlined in *Gender Trouble*. So, how is Butler's account revised? How is melancholia linked to performativity? In *Gender Trouble* Butler advanced a performative theory of gender which contended that gender was the result of the 'stylized repetition of acts through time' (Butler 1990, p. 141). These acts—'bodily gestures, movements and styles'—produced gendered identity. By reiterating the norms of gender, subjects enacted or produced gendered identities: they were what they did. Gender was thus a bodily performance grounded in imitation rather than, as many feminists contend, an expression of some interior truth about the self. By doing things differently—parodically—Butler hinted, the norms of gender could be undermined or subverted. (I'll return to these issues below.)

Through the use of the idea of melancholia as discussed above, this early view has come in for substantial revision. Gender can no longer be understood solely in terms of the performances that generate the impression of a coherent gendered identity. Instead attention also needs to be paid to what is barred from performance; to what does not show. In Butler's words: '*what is "performed" works to conceal, if not to disavow, what remains opaque, unconscious, unperformable*' (Butler 1993a, p. 24, original emphasis). Gender performance on this revised reading, then, is more than the mere repetition of acts and reiteration of norms, for it is affected by the activities of the unconscious, which limits what can be performed. In this regard, gender performativity has been reconceptualised as a phenomenon organised by psychic disavowals and repudiations of the kind found in melancholia. Subjectivity, to borrow a phrase from Fuss, must

now be 'understood as *the history of one's identifications*', with all that this implies (Fuss 1995, p. 34 ,original emphasis). All forms of gendered identity, therefore, are a mélange of disavowals and identifications. We are who we are, or rather we do what we do, because of fantasies of melancholic incorporation, because of the disavowals that have been 'turned' in the production of the gendered ego. So, for example, female heterosexual identity is predicated on the loss of the feminine as a possible love object, the inability to grieve that loss, and yet its simultaneous preservation through 'heightened feminine identification' (Butler 1997, p. 146). It is no longer understood simply in terms of the enactment of the appropriate feminine behaviour.

This considerable change in emphasis in her work has, I contend, profound implications for the kinds of politics in which gendered subjects can engage. In order to demonstrate this, I now want to turn to the example of drag that Butler introduced in *Gender Trouble*. The case of drag served two purposes in that setting: first, it illuminated the imitative nature of all gendered identity; second, it stood as an instance of parodic political activity. In the next section I will examine, therefore, Butler's original account of drag and look at its political consequences.

Drag and the Politics of Parody

In order to illustrate the imitative nature of gender identity, in *Gender Trouble* Butler turns to the practice of drag: to the male performer impersonating a female (Butler 1990, pp. 136–9). Drag is significant because three different aspects of corporeality are discernible and are played up(on) in the performance: anatomical sex, gender performance and gender identity. Each of these dimensions is scrambled in the course of the performance. The anatomical sex of the performer (maleness) is at odds with his/ her gender performance (femininity); the gender performance (femaleness) queries the gender identity (heterosexual or homosexual) of the performer—does a man who dresses as a woman, for instance, want to be a woman and thus have relations with men? The reason drag works in this way is because it upsets the relationship between the elements that constitute heterosexuality as the norm: where gender follows from sex (femininity

follows from being female) and where desire follows from gender (a woman wants a man because she is a woman). But it also works to expose the fact that all gender is a fabrication grounded in the repetition of acts, gestures and so forth. As Butler puts it, through the production of a coherent picture of woman drag reveals the '*imitative structure of gender itself* (Butler 1990, p. 137, original emphasis). Drag has the (potential) effect of denaturalising gender by disclosing that all gender is impersonation. Or, put differently, the mimicking that sustains and gives meaning to drag is construed as emblematic of the very imitative nature of all gender performance.

This view of drag (and indeed of gender) led Butler in *Gender Trouble* to advocate a politics of parody. As she remarks, the recitation of 'heterosexual constructs in non-heterosexual frames brings into relief the utterly constructed status of the heterosexual original', exposing 'gay to straight *not* as a copy to the original, but, rather, as copy is to copy' (Butler 1990, p. 31, original emphasis). In other words, the appearance in 'straight' contexts of practices associated with 'gay' activity could have the effect of denaturalising both identities, just in the way that a man enacting feminine behaviour in drag could denaturalise the sex/gender pair. This reasoning led her to argue that the issue politically is not whether to reiterate gender norms, but rather 'how to repeat or, indeed, to repeat and, through a radical proliferation of gender, *to displace* the very norms that enable the repetition itself' (Butler 1990, p. 148; original emphasis).

There are two crucial phrases here: 'how to repeat' which suggests that the subject has some control over the performance of gendered identity; and 'through a radical proliferation of gender', which suggests that it is the spawning of other forms or styles of gender that has the potential to undermine hegemonic gender norms. In respect of the first phrase, Butler makes it quite clear that the purpose of critical feminist practice is

> to locate strategies of subversive repetition ... to affirm the local possibilities of intervention through participating in precisely those practices of repetition that constitute identity and, therefore, present the immanent possibility of contesting them (Butler 1990, p. 147).

'Gender transformation' is made possible by deformed or parodic repetition (Butler 1990, p. 141). In respect of the second phrase, Butler implies that it is the multiplication of gender beyond or in excess of the binary frame heterosexual–homosexual (what Roland Barthes saw as 'a state of infinite expansion' [Butler 1977, p. 133]) that has the capacity to be radically destabilising.

> Take Butler's remarks on Kristeva, for example:
>
> If subversion is possible, it will be a subversion that emerges from within the terms of the law, through the possibilities that emerge when the law turns against itself and *spawns unexpected permutations of itself.* The culturally constructed body will then be liberated, neither to its 'natural' past, nor to its original pleasures, but to *an open future of cultural possibilities* (Butler 1990, p. 93; emphasis added).

Setting aside the question of whether or not the very proliferation of gender really has the potency to undermine the heterosexual edifice, there is no mention here of the limitations that the unconscious might place on feminist critical practice nor of the subject's attachment to subjection, features which characterise her more recent work. Indeed, Butler talks of the capacity of critical activity actually to 'displace' the norms constitutive of regulated gender identity through the spawning of unanticipated mutations (Butler 1990, p. 148). It might be said, therefore, that the subjects of *Gender Trouble,* are dispassionately detached from their 'identity' insofar as they can immanently contest the practices that constitute them and become-other. They can, it appears, undo, or disidentify with, that which makes them what they are (or makes them do what they do). The issue that concerns me, then, is what relation parody has, in *Gender Trouble,* to normalised heterosexuality and how that view is later altered by the introduction of the idea of gender understood as melancholia. Is it opposed to it? Is it dependent upon it? Or, does it have some other relation to it?

As Butler's comment on Kristeva reveals, subversion does not arise from a position outside of, in this context, the law. Following Foucault, Butler takes seriously the contention that power and resistance are found together. Resistance, to use

Foucault's term, is socially and discursively produced; it is a thing of this world which, nevertheless, has the capacity to produce effects not envisaged by the initial or prior operation of power. It has the potential to proliferate practices. This might suggest that drag, as an unforeseen consequence of hegemonic gender norms, operates only in opposition to compulsory heterosexuality, revealing the latter's artificiality. Taken together with the assertion about the open permutations of gender made possible by parody, heteronormativity would appear to be quite brittle. Looked at again, however, drag makes sense only because it is simultaneously parasitic upon, and transgressive of the 'binary prison', as Barthes terms it, of hegemonic sex(uality) (Butler 1977, p. 133). The requirement of normalised sexuality that masculinity and femininity are mapped directly onto male or female bodies respectively is exploded in drag, albeit only momentarily.

Drag, as an example of parody, should perhaps be read as testimony to the incapacity of heterosexuality to foreclose the norms of gender. This would chime with Butler's amended view in *Bodies That Matter* that subversion is a question 'of working the *weakness in the norms*' of gender (Butler 1993b, p. 237), with the caveat that the 'norms ... to be "cited", twisted, queered, brought into relief as heterosexual imperatives' are not necessarily 'subverted in the process' (ibid.). In fact, queering the norms of gender may merely reconsolidate hegemonic heterosexuality. After all, denaturalisation, while vital to subversion, does not *ipso facto* guarantee subversion. Either way, parody in *Gender Trouble* appeared to be a practice that could be engaged in at will.

Not surprisingly, as a consequence, some readers took Butler to be advocating a hypervoluntarist politics of dressing-up that implied one could have any gender one wanted. It was largely to combat this reading of her work that Butler revised her account of drag. In the next two sections I want to review this revised notion and to consider the consequences of Butler's revisions for the kinds of political practice that gendered subjects can engage in. It is my view that in changing the account of drag, Butler also substantially changes the nature of the political project—a politics of parody—spawned by it. So, how is her treatment of drag revised? How is melancholia linked to gender performativity?

From Detachment to Attachment: Drag as Melancholia

Earlier we saw how Butler developed an account of melancholia in relation to the attainment of heterosexual identity (heterosexual melancholia, as it were). Now I want to turn to the question of gay melancholia to see how gay drag is re-conceptualised by Butler as a species of 'acting out' grounded in unallowable loss. Like heterosexual melancholia, gay drag encapsulates a loss that is refused and incorporated at the same time: the identification, in this case, with the feminine. The loss that cannot be openly acknowledged is nonetheless incorporated in the performance in the imitation of femininity. Drag is a form of 'mimetic incorporation' that operates as an allegory of the loss that the drag artist refuses to let go of (Butler 1997, p. 145).

In Butler's later writings, drag is no longer construed as simply a mode of theatrical impersonation or parody as indicated in *Gender Trouble*. Now it is explicitly recast as a melancholic attempt to 'negotiate cross-gendered identification' (Butler 1997, p. 146). If we think of this in terms of the 'never–never' structure that Butler identifies in relation to heterosexual identity, then this view of drag is intriguing because it suggests that the gay male in drag somehow identifies as female and that the activity of drag is evidence of his refusal yet incorporation of that identification. This would seem to imply (since Butler never elucidates the point) the following 'never–never' structure: 'I never loved her; I never lost her', uttered by a *male* subject, for the man performing femininity embodies a psychic attachment to, and yet a repudiation of, femininity.

Butler herself surmises that her new position presents a potentially 'risky analysis'. This is not merely, as she contends, because it may be read as an argument about the constitution of all homosexuality,[5] but additionally because it appears to reinstate an expressive element to gender identity insofar as it implies that we do the gender we do because we can do no other: we are constitutively unable to act otherwise. Drag thus symbolises, for Butler, a process discernible in all gender performances. The practitioner of drag, no less than someone who does not engage in drag, is who s/he is because of fantasies of melancholic incorporation, because of the disavowals that have been 'turned' in the

production of the gendered ego. The significance of drag has certainly changed. It is no longer symbolic of the artificiality of gender in a purely performative sense. It now comes to stand as an emblem of the production of gender *tout court* in that all gender is constructed through the melancholic renunciation of certain identificatory possibilities (whatever those possibilities might be).

If drag is read as an exemplar of gender melancholia, and if all gender is regarded as, at some level, melancholic, what happens to the analysis of politics initially presented in *Gender Trouble*? Most obviously, the charge of hyper-voluntarism launched at *Gender Trouble* would seem to be undermined. Since one is passionately attached to subjection and since melancholia introduces the constraining influence of the psyche, changing gender at will becomes implausible. One's gender identity is, rather, the effect of a series of incorporations and identifications that shape both what one can and cannot do. Disruptions to coherent gender identity are reconceptualised as the effects of 'acting out' mobilised by the unconscious. Drag becomes a psychological means of working out constitutive avowals and disavowals.

Here there is most definitely a shift of emphasis in Butler's work, for this unconscious limitation to, yet enabler of, performativity was not spelled out in the 1990 work. Quite the contrary, for Butler herself aligned her account of *Gender Trouble* with a Sartrean 'style of being' or a Foucauldian 'stylistics of existence' (Butler 1990, p. 139), neither of which pays attention to the unconscious. In other words, she was referring only to a series of acts, gestures and so forth which create the impression of gender. The psychic dimension of gender was ignored. Second, gender (including drag) understood as melancholia would also appear to severely curtail the scope for disruptive activity. The notion of the passionate attachment to subjection that underpins identity in her later work stands in an uneasy relation to the idea that parodic politics could generate innumerable, unexpected permutations of itself as indicated in *Gender Trouble*. The reason for this is that the unconscious, as we have seen, conditions the nature of the performances entered into by any subject, barring certain things from them just as it allows, indeed enables, others.

This change in emphasis in Butler's work raises inevitable questions: if the unconscious constrains what can be performed, what is to prevent us being stuck with compulsory heterosexuality? Or, put differently, if the unconscious repeatedly reveals the failure of all gender identity, how is change possible? So what does happen to politics in her later work?

Melancholic Politics

In *The Psychic Life of Power* politics is explicitly tied to questions about the regulatory operations of power (Butler 1997, p. 19) and, in particular, to the ways in which that power shapes the formation of subjectivity. In this sense, politics is linked to the kinds of subordination essential to the production of subjects (Butler 1997, p. 7). This indicates that any attempt to alter the kinds of subjects allowed is political activity. Similarly, any resistance to subordination is also political. This introduces the possibility that psychic resistance, far from being apolitical, is itself political. And Butler herself suggests this when she refuses the 'ontological dualism that posits the separation of the political and the psychic' (Butler 1997, p. 19). Both are inextricably interwoven. This means that psychic resistance is not to be understood in the usual Lacanian sense as operating in a different register to power; in the Imaginary rather than in the Symbolic, for this assumes that the unconscious is separate from power (and thence politics) and that it works according to an alternative logic. By contrast, Butler contends that the unconscious is itself an effect of power. Psychic subjection is always simultaneously one of the effects of power and one of the mechanisms whereby the regulatory effects of power are produced. The limitations that the unconscious places on performances are themselves the effects of power; they are political. This has some potentially interesting repercussions.

One of the criticisms levelled at Lacanian-influenced accounts of gender politics is that the separation of the unconscious from the political means that there is little or no opportunity for actively reconfiguring the Symbolic or the realm of the political. Although closure is impossible in the Symbolic because of the disruptive capacity of the unconscious, this does not mean

that the dominant regime of power can be reshaped. Rather, the impossibility of closure ensures its continued operation. Thus, even though the imposition of sexual difference always fails (since neither male nor female can actually be the phallus or have the phallus), the Symbolic remains a domain of privilege for white, heterosexual masculinity. The name of the father persists. In fact, it might be surmised that instability is precisely what enables it to persist. So although the Law of the Father can never be absolute, we are, nevertheless, simply stuck with phallogocentrism. By jettisoning the opposition between politics and the psychic, Butler offers a way out of this apparently perpetual structure of failure. The question is, how?

Butler, like Freud, regards the assumption of heterosexual identity as an achievement rather than as a disposition. However, where Freud emphasised the psychogenic nature of melancholia, Butler emphasises its socio-cultural dimensions. Through an elaborate argument about the ways in which melancholia itself produces the spatialisation of the mind (constructing what is interior and what is exterior), Butler notes that what is incorporated in identity has always already previously existed (in certain norms, for instance) in the realm of sociality (Butler 1997, pp. 167–98). Melancholia thus carries with(in) it a vestige of the other that is always already social. '[T]he social is "turned back" into the psychic, only to leave the trace in the voice of conscience. Conscience thus fails to instantiate social regulation; rather it is the instrument of its dissimulation' (Butler 1997, pp. 196–7). In this example, conscience is the psychic idealisation of social authority and regulation. Its importance lies in the fact that the ego upon which conscience works bears the imprint of normalisation.

Relating this back to the specifics of gender melancholia, it would seem that, since the prohibition on homosexuality is formative of heterosexuality and of heterosexual culture, acknowledging the loss of homosexual love objects is proscribed or foreclosed from the start (Butler 1997, p. 139). This in turn implies the impossibility of publicly grieving that loss. Furthermore, it ensures that homosexual desire is a source of guilt. Guilt (or conscience) is, as we have seen, a turning back into the ego of homosexual attachment.[6] Melancholia in Butler's hands is part of the

functioning of social power: her version of the symbolic is organised through various foreclosures or exclusions, including homosexuality.

What does this tell us about politics? Initially, it seems that politics has to be reconceptualised to take account of the fact that all gender identity is now thought of in terms of constitutive disavowals and avowals, which themselves contain the mark of sociality. It is no longer simply about unsettling the norms of gender. This reconceptualisation includes the idea that there is something already political about the kinds of incorporations that Butler's melancholic subject can make. This 'something political' centres around the exclusions through which identifications are bought and is tied to the regulatory functioning of power. As we have seen subjectivity is grounded in political subjection. Not only is every subject formed with a passionate attachment to those on whom or what s/he is dependent (and thus by whom or what s/he may be exploited), but the kinds of subjects that can exist are politically determined by the operations of power. Any threat to the privileges of naturalised heterosexuality through the open acceptance of homosexuality, for example, must be understood as a threat to gender itself. The entire edifice of gender is, after all, allegedly built upon compulsory heterosexuality which is itself founded on the repudiation of homosexuality.

Next, Butler's reworking of the relationship between the psychic and the political invites a re-writing of the place of the social in politics. Identity politics has, traditionally, been grounded in commonality: we identify politically with those who are like us. If, however, our social ties are not only with those with whom we consciously identify, but are constructed through a disallowed dependence on those we unconsciously reject, then commonality—or identity—as the basis of our political affiliations is challenged. As Fuss observes, 'identification is the point where the physical /social distinction becomes impossibly confused and untenable' (Fuss 1995, p. 10). In addition to identity, we must also accept or recognise the place of non-identity within our identifications. Here Wendy Brown's idea of 'wounded attachments' is apposite (Brown 1995). What gives meaning and sustenance to marginalised political groupings is precisely an

investment in the very identities that guarantee their marginalisation in the first instance (Brown 1995, pp. 73–4). This investment occurs because of a need to remember the suffering they have experienced as a consequence of exclusion. It enables the wounded group to discern a site of blame for its pain. As Brown notes, 'in so doing, it installs its pain over its unredeemed history in the very foundation of its political claim, in its demand for recognition as identity' (Brown 1995, p. 74). In seeking to avenge the hurt in a 'politics of recrimination', the group reaffirms that hurt. Indeed, politically, it is dependent on that hurt for its very existence (it is passionately attached to it). Politics, for Brown, becomes thus a form of therapy for working through/out pain.[7]

A key feature of *The Psychic Life Of Power*, as already noted, is the concept of passionate attachment. Subjects are wedded to identities even as they deny their dependence on subjugating factors. This implies that the kind of abandonment of constitutive attachments that would be necessary to produce the sort of proliferation of genders that Butler debates in *Gender Trouble* would, from the perspective of *The Psychic Life of Power*, bring with it the dissolution of identity. For Butler, however, the option of forgetting who/what we are does not really exist. 'We cannot simply throw off the identities we have become' (Butler 1997, p. 102), she declares, thus undermining permissive readings of *Gender Trouble*:

> Called by an injurious name, I come into social being, and because I have a certain inevitable attachment to my existence, because a certain narcissism takes hold of any term that confers existence, I am led to embrace the terms that injure me because they constitute me socially (Butler 1997, p. 104).

It is this very injurious interpellation that empowers as it harms for it is injury that is constitutive of identity in the first place.

Paradoxically, it is the trauma of subjection that, psychoanalytically, allows for reworking or resignifying these painful interpellations. Where Brown appears to see the relation between harm and recrimination as mutually reinforcing one another, Butler surmises that an identity rooted in injury does not necessarily remain so-implanted. Rather, the potential for reiteration

can unsettle the mode of attachment such that subject reformation can go ahead. While this might not present us with the proliferation of genders promised in *Gender Trouble*, it does hint at a multiplication of identificatory (or incorporative) possibilities. That is, it implies some fluidity and motility in our capacity for avowal and disavowal, such that identification is not a static phenomenon but one which is continually capable of movement. Resistant forms of identification, although constituted in the same field as power relations, would appear to have the potential to contest, maybe even to subvert, dominant norms of gender.

In this light, the potential of Butler's revised account of drag is that it dramatically demonstrates the process of repudiation and disavowal that underpins subjectification. It makes visible the ambivalence at the heart of gender identity. Drag exposes *disavowal*, revealing the indebtedness of homosexuality and heterosexuality, one to the other. In the course of so doing, it has certain potential political effects. It may raise questions about how heterosexuality comes to be normalised while homosexuality is pathologised (a particular problem at a time when publicly grieving the death from AIDS of any member of lesbian and gay communities is difficult if not impossible). Furthermore, it may reveal the way in which a passionate attachment to subordination is precisely, albeit paradoxically, what generates the capacity for the contestation of normalised gender identity. Exactly because drag is dependent upon normalised heterosexuality, however, it does not (as the account of drag in *Gender Trouble* intimated) displace it.

Conclusion

My purpose in this paper was to explore the ways in which Butler's most recent texts involve a reworking of the themes of *Gender Trouble* such that the form of politics entailed by drag changes quite substantially. I want to suggest that a number of things happen as a consequence of this move. First, parody becomes deradicalised as the scope for parodic activity is limited by the disavowals that shape the psychic 'interiority' of the melancholic drag queen. We have moved from a realm of dispassionate detachment to a realm of passionate attachment. This

gives us a more plausible account of the limitations of parody in relation to gender identity (although an account of the material factors that constrain the operations of drag is still required). Next, I contend an explanation is hinted at—and here I can only hint at the nature of that explanation—for the resistance of many feminists to poststructuralist conceptions of identity: the inability to let go of unitary notions of woman may be testimony to the force of a passionate (or wounded) attachment. In other words, feminists are wedded to their identity as women even as that identity is grounded in subordination and injury. It is this that gives meaning to feminism as a marginalised political grouping even as it guarantees that very marginalisation. Or, expressed differently, resistance is implicated in the specific configuration of power that it opposes and from which it gains meaning. In affirming one's identity, one affirms and reiterates the hurt that constitutes that identity in the first place. To let go of the hurt is to let go of the identity and to risk dissolution. What kind of politics can feminism afford?

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Notes

1 In focusing on the arguments of *The Psychic Life Of Power*, I do not mean to convey the impression that Butler ignored the issue of psychoanalysis in her other works; indeed melancholia is a staple part of her arguments about gender identity from *Gender Trouble* on. Furthermore, as I have argued elsewhere, the argument developed in *Bodies That Matter* is dependent upon a return to psychoanalysis (Lloyd, forthcoming). What her most recent work adds to the debate, however, are the ideas of the turn and, more importantly for my purposes, the idea of 'passionate attachments'. This latter notion, I argue, has profound implications for any understanding of the politics and the political derived from Butler's work.

2 This shift of emphasis is accounted for in 'Critically Queer' where Butler explains that she failed in *Gender Trouble* to 'refer the theatricality of drag back to the psychoanalytic discussions that preceded it' (Butler 1993a, p. 24). In fact, the theatricality of drag should have been construed as a species of '"acting out"

in the psychoanalytic sense' (ibid.). I deal with her variable accounts of drag later in this piece.

3 Although traditional interpretations of interpellation do not tend to read the turn of the subject of law as having a psychoanalytic explanation, Butler contends that the very fact that a subject turns when hailed suggests an acceptance of the right of the law. This is itself predicated upon the individual's prior complicity—or uncritical relation—with the terms of the law (Butler 1997, p. 108) that has its origins in a turn against the self. The results of this turn assume, she argues, a prior constitutive appropriation of guilt by the subject emerging from a prior psychic operation of power in which s/he becomes both self-conscious and self-subjugating (Butler 1997, pp. 106–31).

4 Butler devotes considerable attention to tracing the conceptual shifts in Freud's arguments about melancholia from 'Mourning and Melancholia' through to 'The Ego and the Id'. It is not my aim in this paper to pursue these discussions. Rather, what follows is a condensed account of Butler's version of melancholia. It draws, in particular, upon the essay 'Melancholy Gender/ Refused Identification'. See also 'Psychic Inceptions: Melancholy, Ambivalence, Rage' in Butler 1997.

5 Butler is at pains to note that drag is not the only way of apprehending homosexuality (see Butler 1997, pp. 146–7).

6 Butler uses the example of gays in the military to illustrate her point. The threat they pose to masculinity is founded in the constitutive disavowal or repudiation of homosexuality that installs masculinity.

7 If one is to move beyond hurt, therefore, one option would be the Nietzschean one of forgetting. Appropriate as this may be to escaping the cycle of hurt, as Brown comments, it is also very cruel insofar as it denies the hurt that constitutes the identity in the first place.

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JUSTIFICATIONS FOR GENDER QUOTAS IN LEGISLATIVE BODIES: A CONSIDERATION OF IDENTITY AND REPRESENTATION[1]

Meena Dhanda

Women are late entrants in the battle for democracy the world over. While there is general agreement amongst feminists that women ought to be present in legislative bodies at all levels and in sufficient numbers, there is little agreement on how their inclusion should be secured. Disagreements about praxis may stem, first, from divergent political analyses of what causes the exclusion in the first place. Secondly, they may originate in different conceptions of the underlying rationale of the goal of inclusion; in other words, in different answers to the question: why must there be more women in legislative bodies? Finally, feminists' political analyses of the consequences of following a particular path of political transformation may lead to conflicting positions. Whilst I shall discuss disagreements of all of the above kinds, my focus will be on considering the arguments for and against the particular measure of gender quotas as a means of effecting the inclusion of women in legislative bodies. In the course of this discussion, I shall use the example of the recent Indian debate on instituting gender quotas to illustrate some of the issues.

The issue of gender quotas is, of course, controversial. It raises problems that are echoed in feminist debates about the status of women as a group, given their multiply different locations in the polity (Kruks 1995, Young 1994), in theoretical work on the conception of the political itself and the supervening debate on the relative merits of using the parliament and/or the 'subaltern counterpublics' as arenas of effecting social transformation (Fraser 1992, with due acknowledgement to Spivak), and finally in the increasing use of historiography in feminist political theory (Sparks 1997, Sarvasy 1997).

My object in this paper is twofold. At a substantive level, I shall engage with some of the consequentialist arguments put

forward in discussing gender quotas mainly to highlight the paucity of these. At a second-order level I shall argue that the issue of gender quotas is better grasped if we reconceptualise what it means to act politically in the interests of women. I shall use two concepts that I find particularly illuminating in this regard. The first is the idea of a 'heterogeneous public' (Fraser 1992) and the second that of conceptualising gender as 'seriality' (Young 1994, Kruks 1995). The first helps to accommodate a variety of political actions that women engage in to fight the constraints on their political life. The second helps to clarify what it means to act in solidarity with women.

What I hope emerges from the discussion of the Indian example is that feminist debates are not merely local in their reach, i.e. they can help to provide a satisfactory theoretical resolution to a vexing problem elsewhere. But my arguments also suggest that the question of whether particular women actually identify with other women sufficiently to envisage the shared project of greater representation of women in legislative bodies is a question of their praxis. Theory helps us imagine alternative responses to the constraints and confinements we face, but which of those alternatives is, and must be, actually embraced is an existential matter. My purpose in engaging in theory is to make some accommodations seem easier than they may seem at first. I shall argue that it is possible to defend gender quotas without becoming an apologist for state protectionism. And it is also possible to defend gender quotas without undermining the political potentiality of groups of women being motivated to political action on the distinct bases of caste and/or class solidarity, or indeed any other group solidarity.

The Indian Case

The recent proposal in India to reserve one third of the seats for women in the lower House of Parliament (*Lok Sabha*) and the state legislatures has generated a controversial discussion.[2] Those who have advocated the use of reservations/quotas for the inclusion of Indian women in local as well as central government for almost a decade now cite the precedent in Indian history of reservations for the Scheduled Castes and Scheduled Tribes. These

were justified on the grounds that members of these groups had to be given an equal opportunity to build their way out of a life of deprivation and denigration. The entry of these severely disadvantaged people into the higher echelons of power was not only seen as undoing past injustices but at the same time progressing toward a future in which social prejudices are gradually eroded. These arguments may appear to be mainly arguments for reparation and redistribution, based on considerations of justice, but there is also in them an element of concern about identity. In this case, a concern for the collective identity of being a citizen of independent India can be seen to provide the justification for the use of reservation as a means for securing equal citizenship.

Along similar lines, it is a concern for political disadvantage because of being a woman that motivates the demand of some feminists for a reservation for women in legislative bodies in the Indian case. As part of this argument, the 73rd and 74th Amendments to the Indian Constitution enacted unanimously by the Parliament in 1992, which guaranteed a 33 per cent reservation for women in the elected representatives to village *panchayats*, are cited as having led to the 'political dynamism' of women voters (Mazumdar 1997, p. 14). Mazumdar claims further that the latter await the possibility of sending women representatives to guaranteed seats in the Parliament, and that '[i]nstitutionalised inequalities' require 'institutionalised counter measures' (p. 19).

In parallel to their proponents, those who oppose gender quotas in the Indian context often do so on consequentialist grounds. Some of the arguments given by Kishwar (1996) are that: women are not yet ready and need a preparatory social reform movement to make a proper entry into politics; a quota system would lead to a nepotist influx of wives and mothers of politicians in the parliament and legislative assemblies; women do not have the requisite skills to become parliamentarians and their political socialisation must take place elsewhere before their entry into parliament; quotas will jeopardise women's solidarity by promoting divisive politics. In addition, it has also been argued that feminists must be wary of 'growing statism' and recover 'feminist politics as subversion' (Menon 1997, p. 41), and that the bid to introduce the women's bill on gender quotas is an

upper-caste ploy to stem the rising tide of lower-caste men in legislative bodies (Rajshekhar 1998). I shall briefly consider some of the consequentialist claims before turning to an identity-based justification for gender quotas.

Take the question of women's readiness for parliamentary politics. Mazumdar and Kishwar differ in their observations (Kishwar 1996, Mazumdar 1997). They agree that despite their participation in large numbers in the independence movement, women did not become significantly visible in the subsequent parliament and legislative assemblies. Kishwar, however, fails to notice that this trajectory of women's inclusion in struggles for transformation and their later exclusion is very common the world over. In my view, there is nothing particular about the Indian culture that needs transformation in order for women to engage in other public forms of politics. Instead, it is the ubiquitous culture of patriarchy that needs challenging. Hence, the influx of women in the political mainstream, even if seemingly contrived, can be endorsed as a challenge to patriarchy.

Similarly, if gender quotas arguably have the consequence of nepotism in favour of wives and daughters, it is surely not any more regrettable than the existing nepotism that benefits male politicians (Kannabiran and Kannabiran 1997). Also, there is no reason why women politicians would be more likely to rise in politics on the grounds of their connections rather than their capability. Lastly, even if some undeserving women benefit in the immediate future, the overall evaluation surely has to weigh long-term desirable consequences against short-term undesirable ones.

Furthermore, the objection that women lack requisite skills for being active legislators is a matter of interpreting what skills they do have. Certainly, the hurdle of being a woman is not a small one. Learning to overcome it is evidence of having acquired as yet unnamed skills.[3] Whether the skills women have are 'inferior' or not is relative to the purposes for which collectivities come together, and perfection is relative to the particular kind of politics one practices. Finally, the claim that gender quotas will lead to women being entrapped in divisive politics fails to register the fact that electoral politics is a legitimate area of contest. If women may be pitched against other women with justification anywhere, it is here.[4]

In conclusion, what can be seen in the Indian debate about gender quotas is that their opponents and proponents offer conflicting political analyses of the changes in women's position in the polity (see also Singh 1997). What is lacking, however, is an adequate articulation of the theoretical underpinnings of their respective positions. Thus much of the discussion is carried out in a consequentialist framework. The general strategy adopted by most opponents is to point out the harmful consequences of bringing about greater participation of women in legislative bodies by means of a reservation for women. Regarding this strategy, there are three points worth making. First, not all the relevant consequences are necessarily taken into account, as is obvious, for example, in the argument about nepotism. Secondly, as the argument about skills and divisions between women illustrates, it is a matter of interpretation and dispute whether the consequences that are noted are good, bad or neutral. Finally, the constraints placed upon innovative transformative politics by historical 'givens' are also a matter of interpretation and relative evaluation, as the argument between Kishwar and Mazumdar shows. Hence the broadly consequentialist reasoning of arguments against quotas fails to be conclusive.

Diversifying the 'Political' and the 'Public'

Turning now to my second object of engaging with the question of the justification for gender quotas at a second-order level, I shall try to outline the underlying presuppositions about the nature of political representation, the public sphere, and the idea of acting in solidarity with women. In the following sections, I will sketch my own version of an identity-based justification for gender quotas.

Political representation is a chief means of participation in representative democratic governments. From the perspective of some of those who claim that 'politics' must be redefined and broadened to include such political activity as takes place in and through the work of non-governmental organisations, new social movements or engagement with the gendered power structures that are to be found in the home, it might seem that the effort directed at improving the standing of a group within traditional-

ly defined spheres of governance is misdirected. I think that this is an unnecessary closing off of legitimate political options. There is enough scope for political intervention of the traditional *and* non-traditional kinds, fortunately, matching the different proclivities of political activists and their different locations in the polity. Thus Bickford points out that 'identity plays different kinds of political roles' and 'is related to power in different ways' (Bickford 1997, p. 119). Without meaning to undermine the profound influence of 'politicising the personal' for many women, then, there is an argument to be made for greater political participation by women through increasing their representation in legislative bodies alongside other forms of political engagement.

Similarly, questions have to be asked about the meaning of 'the public'. Whilst Pateman has argued that the restricted entry of women into government is no more surprising than the 'fact' of their general exclusion from the public domain (Pateman 1988), Fraser has queried the notion of the public operating in this 'factual' claim (Fraser 1992). Sparks suggests in a similar vein that the 'public' must be reconceptualised to include the non-traditional arenas where activities aimed at collective goals are carried out (Sparks 1997). In the idealised picture, 'bourgeois public spheres' are 'aimed at mediating between society and the state by holding the state accountable to society via publicity' (Fraser 1992, p. 112). But alternative historiography shows that the 'official public sphere ... was, and indeed is, the prime institutional site for the construction of the consent that defines the new, hegemonic mode of domination' (Fraser 1992, p. 117). However, the question of whether the public sphere must be criticised for being a utopian ideal or exposed as an instrument of domination is not so important. It is, as Fraser herself acknowledges, 'perhaps both, but actually neither' (Fraser 1992, p. 117).

Women's political activities may not have been granted the same status as men's, but women were part of the public sphere, as members of *weak publics*. Now, if we think of the sovereign parliament as 'a public sphere *within* the state', as a *'strong'* public in comparison to 'weak publics' (Fraser 1992, p. 134, original emphasis), what becomes more important, on this construal of the public sphere, is to get a clearer picture of what kinds of pub-

lic women were excluded from, and which women were more excluded than others. We can do this if, 'rather than rejecting identity', we 'delve into its complicated political meanings' (Bickford 1997: 118). The double advantage of such a move is that it allows us both to acknowledge the ways in which some women directly participate in the formation of collective goals, through various extra-parliamentary (though institutionalised) forums, and also to identify the obstacles that prevent other women from having the opportunity to do so.

In conclusion, Fraser's idea of the 'heterogeneous public', including both strong and weak publics, allows a variegated understanding of political action. Thus, calls for gender quotas, which necessarily involve the 'protector' state, can sit alongside 'dissident citizenship' (Sparks 1997) expressed in *dharnas* (sit-ins), demonstrations and other political activities of civil disobedience. In the case of India, we do not have to address the underlying causes of women's exclusion *instead of* the designed entry of women (Singh 1997, p. 13, Kishwar 1996). We can do both. A dichotomous understanding of the political sphere, by contrast, fails to recognise the multiple possibilities that a diversified, decentralised feminist activism can take up. It also takes a rather crude additive view of the 'situation' of women and misunderstands the nature of 'collective' action. Above all, it misrepresents the praxis of women actually engaged in political action in the various publics in which they find themselves.

Identity Matters

A framework which is more suitable than consequentialism for the discussion of the policy of gender quotas is that of identity concerns. Its main principle would be that we must judge public policies in terms of their sensitivity to the identities of the people for whom they are designed. Note, by contrast, that consequentialism does not suggest what value should be placed on practices that are identity-preserving or identity-destroying compared to the value placed on the preferences for other goods. The value of having a sense of identity (for example, as a woman and/or citizen and/or member of a caste) is merely one of many goods that is aggregated along with other goods, such as remu-

nerated work or status in society. Let me hasten to add that my object here is not to evaluate consequentialism as such, but to suggest that if, as feminists, we are concerned with whether the political change of instituting gender quotas is in the interests of women, then we need to look further than weighing the consequences of the policy of gender quotas. We need to get clearer what it means to identify with other women.

Some feminists have doubted the worth of identity politics.[5] In order for the principle I am suggesting to have any credence, I need to at least indicate the direction in which an answer to some of their objections to identity politics lies. For a start, let us note that, without conceptualising women as a group, 'it is not possible to conceptualize oppression as a systematic, structured, institutional process' (Young 1994, p. 718). But one's identity, as I understand it, is not just a simple given, but a complex process of 'identification-with'. Furthermore, if we want to live in a world where interpersonal relations are governed by mutual respect and acknowledgement of persons, we must pay due attention to the identity concerns of people from the first-person perspective. Public policies that deny these identities, or fail to respect them, are objectionable on the grounds that they undermine the conditions of genuine reciprocity and therefore destroy the possibility of building a world of closer human ties.

By the first-person perspective I mean 'my sense of who I am' to the extent that such a self-identification determines which others I will subjectively identify with for a common project. The later Sartre's distinction between being a part of a collective which is inter-connected by the relation of seriality (as in a queue for a bus) and being a part of a group which is bound together by shared projects is very useful in this regard. Feminist theorising of group identity in these terms, differentiating between 'passively mediated ensembles and intentionally created ones' (Kruks 1995, p. 15, see also Young 1994), explains the conundrum of seeking motivational identification with other women without presumptively essentialising them.

Women are globally a part of the serial collectivity 'women'. This serial collectivity is amorphously defined by women's passive situation in a world constructed as heterosexual, and defined by a sexual division of labour. Each one of us is a part of various

collectivities. What is distinctive about these is that there is no self-consciousness of having a shared project, although we may be individually negotiating the same problem in the world that is given to us. Out of these collectivities emerge groups of women who share some project or other aimed at removing the constraints on their activity. Such groups may fall back into seriality when the common project is abandoned or lost. Collectivities form the milieu in which those individual women from disintegrated groups may then seek to form other groups with other shared projects.

The distinction between collectivities and groups allows us to dispel some confusion about what may be expected out of the praxis of women demanding gender quotas. Feminists who demand gender quotas must surely know that even women who have formed into a group as women may be called upon to honour their allegiances to other possible groups (class-, religious-, caste-based ones). Gender quotas will only present some possibilities for the formation of women's groups. Other groups may form around other valuable shared projects, but one would hope that the possibility of enlarging any of these groups will always remain open.

The Representation of Women and 'Other' Groups

The framework of identity concerns also offers an alternative justification for representation. Representative governments need not just be expedient arrangements for public decision-making in fast-growing societies which no longer allow the face-to-face interactions of the direct democracies of ancient times. Representation can also provide us with the opportunity to identify with others. The process of entrusting my vote to the candidate and/or the party I choose to support is a process in which I can form communal bonds of solidarity. My identity is affirmed or denied or negotiated by my participation in the process of choosing representatives. Political representation is representation of a collectivity of people, unlike, say, legal representation, which may be an exclusive representation of an individual.

It is with political representation, then, that the really hard questions arise regarding how a group can be carved out of vari-

ous people who simultaneously belong to different collectivities. A collectivity born out of the relation of seriality, say the collectivity of women demanding gender quotas, has the potentiality of becoming a group with common goals and shared projects. The point to note, however, is that group formation is not an entirely self-directed activity. There are a host of unintended consequences of collective action that may turn out to be obstacles in future projects and thus hamper the formation of other valuable groups. To that extent, engaging in an exercise of unravelling possible consequences is useful, without, of course, falling into the trap of justifying shared projects on a consequentialist basis.

The identity of being a woman—of belonging to the group women—is especially difficult for some to accept as a basis for representation, because women are also at the same time economically backward or rich, illiterate or educated, lower caste or upper caste, and so on. Hence some theorists prefer to address the concerns of women indirectly, as the concerns, for example, of the poor, the illiterate, or the lower caste. The displacement of one identity for another signals the value a theorist places on a particular identity-preserving or identity-undermining policy. For example, one may argue in the Indian case that reservations in the case of the Scheduled Castes were meant to address the economic want they suffer and to undo the social disadvantage that flows from such economic want (Gupta 1997, p. 1971). From such a point of view, an approach to reservations that seeks to undercut caste identity is more valuable than one that perpetuates it even as both may be motivated by concerns to reverse disadvantages stemming from caste status (ibid.).

One may similarly argue against the demand for gender quotas on the grounds that focusing on gender hampers the formation of a class-based identity. This I take to be another case of a needlessly dichotomous mode of thought. Our identities are mediated by the world in which we live. If the world in which we live is in fact class-divided as well as being patriarchal, how could this material mediation be 'overridden' or 'undercut' by an attempt to form women into a group as women? While identifying with women as women in some arenas of public life, working women can still identify with working men in other (overlapping) arenas of public life.

However, more women in the parliament also means fewer men get in. Here, as men and as women, the interests of the two collectivities clash. It is hardly surprising that the Women's Bill was scuttled in the predominantly male Indian Parliament.[6] Moreover, the strongest opposition to the tabling of the legislation for a gender quota came from the leaders of the Other Backward Castes.[7] Men from these caste groups are well aware of the disadvantage that women from lower castes have in relation to upper-caste women, who are more articulate, better educated and more independent than they are. They do not expect a gender quota to help them improve the overall political standing of their caste groups, because they fear that the sole purpose of the bill is to check the increase in the number of backward-caste men in legislative bodies.

An identity-based justification for gender quotas must address this fear. On my analysis, the multiple position of lower-caste women is a given in which they have to form their shared projects existentially. They form one collective with lower-caste men, and another with upper-caste women. The possibility of forming group solidarities exists on both fronts. The question for them to decide is which of those solidarities they take as creating further possibilities for them. Their identification with women of the upper castes may be experienced by them as being in danger of lapsing them back into a relation of seriality with women once the immediate struggle is over. Or they may fear that when the Women's Bill is objected to in their name, it is not their disadvantage which is the prime concern but the narrower electoral prospects of lower-caste men, hence they may doubt the possibility of their forming group solidarity with men of their caste group.

From a feminist point of view, then, what matters is that more women participate in legislative bodies. In comparison, it is of secondary importance which caste group they come from. But one may properly ask: can women of one social collectivity represent those of another collectivity? Much discussion in feminist literature has focused on the problem of women speaking about women without substituting the dominant modes of the self-understanding of highly-educated, mobile, middle-class, Westernised (white) women for the voices of all the other

women—the illiterate, the poor, the lower caste, the non-Western. It is important to distinguish this legitimate concern of the feminist from the sceptical question about any representation as such. The main difference in the two approaches is that the feminist one is committed to evolving ways of communicating between women, and in most cases between women and men. The feminist is therefore cautious of the unintended but possible consequence of silencing some women in the effort made to 'speak for' them. The plainly sceptical approach, on the other hand, does not raise these problems with any expectation of finding a solution.

Identity and Representation

The determination of our identities depends to a great extent upon the contingent circumstances we find ourselves in. Further, what these circumstances are is itself often interpreted for us by others. Different interpretations of the world we inhabit support different identities. Our choice lies in identifying with a particular interpretation of our world out of the different interpretations available to us. Our current self-interpretation is only one among several available to us. It is the one with which we have identified in our present location.

We accept another as our representative, then, if we identify with the interpretation of our world that s/he offers. There is a special relation we may have to our political representatives if our dependence upon them stretches beyond defending our current interests to articulating a possible future in which we matter. We trust the promise of representation they make to us only if, as a minimum requirement, we accept the plausibility of the programme of transformation they offer. A stronger requirement for representation would be that the person who represents me embodies my own hopes and aspirations for the future by sharing projects with me. In this sense my representative may 'mirror' me, rather than simply be my 'elected' representative.

Identity-based justifications can make a case for representation beyond merely elected representation. Phillips has argued that, in some cases, the presence of people from particular groups is necessary to transform the political agenda (Phillips 1995).

However, identity concerns do not have an independent value for Phillips, but are merely instrumental in ensuring equal representation of the interests of disadvantaged groups. The identity-based justification for gender quotas I have developed here, by contrast, works with a stronger notion of identity from the first-person perspective. What matters when choosing representatives on my analysis is that one is at least able to identify with the programme of transformation that is offered. However, the stronger requirement—that the chosen representatives embody some of my own hopes and aspirations—necessitates acknowledging an additional symbolic value of same-sex or same-caste representatives. Moreover, if gender quotas are only designed to change the content of the political agenda, as in Phillips, one also ignores that changing the nature of the strong public makes a difference to the relation it has with the weaker publics in which women traditionally participate. Thus the potential for political participation of women more generally is affected by changing the gender composition of legislative bodies, not just the agendas of those bodies.

Conclusion

In the course of this paper I have argued that justifications for gender quotas in legislative bodies must move beyond an evaluation of the consequences of following such a policy. Reflection on the Indian case shows that selective emphases and different interpretations of the probable consequences of following a policy of gender quotas lead to a stalemate. I have suggested that paying attention to identity concerns is a more fruitful way of understanding the opposition and support for the use of gender quotas in ensuring the representation of women in legislative bodies. In this respect, the idea of 'heterogeneous' publics suggests that different women have been excluded from parliamentary politics in different ways. Hence, the political measures for their inclusion, too, must be conceptualised with a sensitivity to the differences between them. In any particular case, some may favour interventionist policies like gender quotas, while others may favour gradual reform, boosted perhaps by efforts to democratise the polity through education, electoral reforms or even economic advance-

ment. On my analysis, the quarrel between interventionists and gradualists is not likely to be settled by an impersonal evaluation of the consequences of following either path. However, the picture becomes clearer if we pay attention to what these measures mean personally to those who are affected by them, that is, how they affect their sense of who they are and which groups they can see themselves as forming.[8]

I have argued that gender quotas will hold a significant, though limited, promise of enabling the group formation of women motivated by the shared project of increasing their participation in politics. The limitation arises from the fact that it is not just my passive location within a collectivity, but the possibility of my active identification with others, that determines whether or not a project, such as that of the struggle for gender quotas, is valuable. But it would be a mistake to view the group formation that the project of gender quotas promises as essentialising or entrapping women in their identity as women. I have emphasised that a closer look at the manner in which groups form out of collectivities, and the open possibility of regrouping that this process allows, should assuage at least some misgivings about identity politics associated with the political measure of gender quotas.

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Notes

1 The critical comments on the first submission by two anonymous referees and the editors' detailed comments on more than one occasion made me order my thoughts more systematically. Thank you. Alan Apperley and Pritam Singh read successive drafts and offered invaluable suggestions for improvement. Tanya retrieved files that I had given up for lost. Without all of these this paper would have remained incomplete.

2 The Bill for the 81st Amendment to the Indian Constitution proposed to introduce this reservation, with the reserved constituencies to be determined by lottery, and the Scheduled Caste/Scheduled Tribe reservation to be applied within this reservation. (Scheduled Castes and Scheduled Tribes are particularly disadvantaged caste groups and tribes, and they are called

Scheduled Castes and Scheduled Tribes simply because they have been scheduled in the Indian Constitution as such.) The Bill eventually failed even to be tabled for debate, such was the opposition it faced. I shall indicate below the complex nature of the opposition to this measure for including women and the equally complex response it deserves, since this issue raises the general difficulty of prioritising feminist concerns over allegedly 'other' equally justified concerns of inclusion of 'other' marginalised groups.

3 But note that Kishwar is in the company of the venerable Immanuel Kant, who denied active citizenship to women because they 'do not possess civil independence' (Mendus 1987, p. 25). Kant argued that women should be 'subject' to the law, but not participate in making it (Mendus 1987). And Kishwar says of 'filially attached' women that 'the presence of such proxy figures in parliament ... is actually harmful' (Kishwar 1996, p. 2873).

4 One may add that men have always contested with other men without its being any obstacle to their banding together when women have raised the issue of quotas for women (Mitra and Ansari 1998).

5 See Bickford (1997) for a comprehensive account of objections to identity politics.

6 The current number of women MPs is forty-three, which is eight per cent of the total.

7 These are also lower castes, but higher than the Scheduled Castes and Tribes. They have not had any group reservations in legislative bodies.

8 One way of determining what gender quotas mean personally to women is to ask them. In the Indian case I think we will find that women want gender quotas. This seems to be the likely outcome following the one third reservation for women in village-level local government. According to Mitra and Ansari (1998, p. 16), 'over a million women now sit as elected representatives in local bodies'. I expect that their praxis will have clarified for them the value of identifying with other women.

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RENAMING THE LAW: DERRIDEAN POLITICS

Joanna Hodge

> No justice—let us not say no law and once again we are not speaking here of laws—seems possible or thinkable without the principle of some responsibility, beyond all living present, within that which disjoins the living present, before the ghosts of those who are not yet born or who are already dead, be they victims of wars, political or other kinds of violence, nationalist, racist, colonialist, sexist or other kinds of exterminations, victims of the oppressions of capitalist imperialism or any other forms of totalitarianism. Without this non-contemporaneity with itself of the living present, without that which secretly unhinges it, without this responsibility and this respect for justice concerning those who are not there, of those who are no longer or who are not yet present and living, what sense would there be to ask, the question 'where?', 'where tomorrow?', 'whither?' (Derrida 1993a, p. xix).

Sexual Difference: In the Name of the Father

> It is thought to be the special business of the political art to promote friendship and men say that excellence is useful because of this, for those who are unjustly treated by one another cannot be friends to one another (Aristotle, *Eudemian Ethics*, 1234b).

In this citation from the beginning of Book Seven of the *Eudemian Ethics*, Aristotle brings together three themes which are important for Derrida's account of politics: friendship, justice and, implicitly, masculinity. These themes are central to the analyses of Derrida's recently translated *Politics of Friendship* (Derrida 1994) in which he sets out the contrast between two kinds of friendship, namely, the relation invoked by Aristotle which, in the Republican tradition, figures as a basis for political commu-

nity, and that set out in the relations of the reception which subsequent writers have given to their predecessors in the Republican tradition. Political community and political tradition are thus shown to be not necessarily constituted by blood ties, thus raising a restriction based on ethnicity on who may participate in the political process, while implicitly re-affirming an exclusion based on sex.

Derrida analyses these friendships as implicitly imposing the masculinism of the Western political tradition, bringing together a questioning of political theory with that of sexual difference. Two other recent texts by Derrida take up the theme of political analysis, as if in response to the complaint that the politics of deconstruction are obscure, no less so than in the gnomic declaration in his paper, 'Force of Law', that, 'Deconstruction is justice' (Derrida 1989, p. 15). These are *The Other Heading: Reflections on Today's Europe* (Derrida 1991), in which he discusses the condition of Europe, after the fall of the Berlin Wall, and *Specters of Marx: The State of the Debt, the Work of Mourning and the New International* (Derrida 1993a), from which the above epigraph concerning transgenerational justice is taken. In this essay I shall explore the relation between these two lines of questioning, of political theory and of sexual difference, and consider the hesitations and postponements in setting up this relation both in Derrida's writings and in their reception.

In the paper 'The Politics of Friendship', delivered in 1988 to the American Philosophical Association Symposium on Law and Society, Derrida spells out a double exclusion at work in this tradition:

> What relation does this domination maintain within the double exclusion that can be seen at work in all the great ethico-politico-philosophical discourses on friendship, namely, on the one hand the exclusion of friendship between women and, on the other the exclusion of friendship between a man and a woman? This double exclusion of the feminine within the philosophical paradigm of friendship would thus confer on it the essential and essentially sublime figure of virile homosexuality. Within this familial schema ... this exclusion privileges the figure of the brother, the name of the

> brother or the name of 'brother', more than that of the father (Derrida 1994, p. 642).

There are two sets of framing questions for assessing Derrida's response to his own discovery. There is a series of questions raised in the Foreword to *Politics of Friendship*, and there is the questioning of identity and of justice, in *The Other Heading* and in *Specters*, which introduces a consideration of the place of enquiry, within a European tradition. There is then also a question of temporal sequence, for *Politics of Friendship* presents notes from a seminar run in Paris in 1988–89; while the Foreword added to the published book can be read as informed by the subsequent analyses in *The Other Heading* and in *Specters*.

Derrida has some relevant observations to make about the status of Forewords in a much earlier text, 'Outwork', from *Disseminations*:

> Prefaces, along with forewords, introductions, preludes, preliminaries, preambles, prologues and prolegomena have always been written, it seems, in view of their own self-effacement. Upon reaching the end of the pre (which presents and precedes, or rather forestalls the presentative production, and, in order to put before the reader's eyes what is not yet visible, is obliged to speak, predict, and predicate), the route which has been covered must cancel itself out. But this subtraction leaves a mark of erasure, a remainder which is added to the subsequent text and which cannot be completely summed up within it. Such an operation thus appears contradictory, and the same is true of the interest one takes in it (Derrida 1972a, p. 9).

And he adds later:

> As the preface to a book, it is the word of a father assisting and admiring the work, answering for his son, losing his breath in sustaining, retaining, idealizing, reinternalizing and mastering his seed. The scene would be acted out, if such were possible, between father and son alone: autoinsemination, homoinsemination, reinsemination. Narcissism is the law, is on a par with the law (Derrida 1972a, p. 45).

My suggestion is that the gesture of placing a preface in front of the text in *Politics of Friendship* has the reverse effect of highlighting the vanishing of maternity and of women in political theory on which the text comments. As a result, sexual difference is recast, away from its immobilising determination in the eternal present of the Lacanian schema—through the working of the well known pun, *le nom/non du pere* (the name/interdiction of the father), which prevents the child, sex as yet unspecified, from enjoying an uninterrupted relation to its mother—towards a sexual difference of generativity. This sexual difference, with its distinctive temporality of futuricity, inaugurates a form of law in conflict both with the narcissism of this father/son relation and, more generally, with the psychoanalytical law of the father.[1]

As recently as December 1997, Derrida chided panellists discussing his *Politics of Friendship* at the Institute for Contemporary Arts in London for failing to pursue the link between the double binds of democracy and those of sexual difference. Again there is a question of timing, for sexual difference appears to have been a term for Derrida from early on, whereas the question of politics appears to have emerged more recently.

There then appears to be a partition between those responding to Derrida's political thinking and those responding to the questioning of sexual difference: between political theorists and feminists. Such a distinction is, of course, unsustainable from the stance of a feminist political theory, but its operations are of all the more interest. Furthermore, the spectacle of the father, Derrida, chiding the sons, his interpreters, for failing to consider the condition of women has its humorous aspects. Thus in Derrida's writings, a question of sexual difference has been opened out and closed off again. This is perhaps because of a failure to break the connection between the question of sexual difference and the psychoanalytical reading of it. The latter positions women firstly as daughters, and only derivatively as mothers; they are positioned as the complement of the brother, and not as a challenge to the authority of the father. Sophocles' Antigone here plays a key role, for she is both daughter and sister of Oedipus, but absolutely not mother. Sexual difference is a theme of the now famous interview, 'Choreographies', first print-

ed in *Diacritics* in 1982 and again in *The Ear of the Other: Otobiography, Transference, Translation* (Derrida 1985). It was introduced earlier as a theme in Derrida's reception of Nietzsche, in the essay on self-constitution, 'The Logic of the Living Feminine', first delivered in 1974, and printed in *The Ear of the Other*, and in the analysis of Nietzsche's styles, *Spurs: Nietzsche's Styles* (Derrida 1976), to which Derrida refers in the 'Choreographies' interview.

> In that interview Christie McDonald asked, whether or not sexual difference is a 'regional' question in a larger order which would subordinate it first to the domain of general ontology subsequently to that of a fundamental ontology and finally to the question of the truth (whose?) of being itself (Derrida 1985, pp. 163–4).

In this interview, however, the question of sexual difference is displaced in favour of a thematisation of a 'dance of genders' in which an asymmetry between a quietly persistent masculinism and a loud but inaudible feminism is overlooked. In *Spurs*, the question of sexual difference is displaced in favour of the question of style and of woman, as remarked by Jane Gallop in her contribution to the recent collection: *Derrida and Feminism: Recasting the Question of Woman* (Gallop 1997). In discussions of 'The Logic of the Living Feminine', the question of sexual difference is displaced in favour of discussing a relation between translation, transference, and, implicitly, transcendental philosophy. Thus it should be less surprising that, in the text and not just in the reception of *Politics of Friendship*, the question of sexual difference is raised in the opening pages, only to be suspended for the duration, in an analysis of a system of transmission at work in the relay from Aristotle, to Montaigne, to Nietzsche, to Schmitt, of the paradoxical apostrophe: 'Oh my friends, there is no friend'.

The displacement and neglect of the question of sexual difference is thus both licensed by Derrida's text and not unprecedented. However, this repetition reveals a feature not just of Derrida's thinking, but of the kind of problem which the question of sexual difference poses: in what political and temporal, textual and philosophical conditions is it possible effectively to

engage with the question of sexual difference? Derrida brings the question of sexual difference into proximity with that of alternate temporalities through his insistence on a relation between justice and a disjointing of temporality. This suggests a duplicitous understanding of time, or justice, or sexual difference, as both the sequence of events and as condition of possibility for events.

The Descent of Politics: In the Names of the Sons

> And Socrates saith: it ought to be a father's special care, to give his children good and easie sounding names (Montaigne 1591, pp. 312–3)

The duplicity of the question of friendship which marks the solidarities of the Western political tradition while concealing its masculinism is redeployed by Derrida in the Foreword to *Politics of Friendship* in the doubling of a question about democracy by a question about demography. This reveals linkages between the apparently distinct questions of legitimacy and of numbers, showing that it is demography which imposes the distinction between direct and representational democracy, while concealing the role of sexual difference in the reproduction invoked, but not named, in the enumeration of populations. This question of sexual difference is not the familiar notion that there are two essences locked in strife in community, one feminine and masculine, but a generative one: there are two sexes involved in reproduction and procreation. Out of this arises the problems of political community: there are human communities; there are questions of intergenerational responsibility; and there are questions of responsibility to the dead and the not yet born. Intriguingly, Hegel, to whose triadic structure of argument Derrida makes ongoing reference, insists that the task of commemorating the dead falls to women. However, reading the *Politics of Friendship* may well also show that any theory of the political has always been appropriated by the masculine, a gesture replicated by Derrida, who neither uses the formulation nor recognises a debt to Luce Irigaray. She deploys this thought in *Speculum of the Other Woman* (Irigaray 1974) in relation to theories of the subject, and published her discussion of sexual difference as epochal condition, *An Ethics of Sexual Difference* (1984).

Politics of Friendship suggests that there are political questions about a generative sexual difference, on which the production of a next generation of the political community depends, which have not yet been asked. The links to biotechnology and reproductive technologies remain to be made, but they open out the possibility of a new principle of inheritance, one which breaks with the rule of male inheritance and a public space dominated by men. The principle of democracy for Derrida both is and is not a principle of patriarchy: 'At the centre of the principle, always, the one does violence to itself and guards against the other.' (Derrida 1994, p. ix). The question raised by Beauvoir in *The Second Sex* (1949) in relation to Levinas of whether the one is masculine and the other feminine remains in suspense. Derrida's claim is that up until now, political theory presupposes an ideal of friendship, which in turn presupposes an ideal of brotherhood which is masculine, thus imposing the masculinity of the Western political tradition in a way which has not been called into question until the last two hundred years.

However, the distinction between justice and law evoked in the epigraph to this paper, from *Specters of Marx*, suggests that at any moment some wholly other kind of ordering may become available. Derrida insists that the Republican ideal of 1789 reprises the Roman and Greek invention of a brotherhood of election, in contrast to the brotherhood of blood, suggesting that both populist and elite republicanism maintain an ideal of fraternity which marks the relation of women to politics as extraneous, while raising the question of how to respond to this fatality. *Politics of Friendship* proposes to do so by showing the instability of the question asked and by demonstrating the selectiveness of reception at work as the text proceeds. There is then a potential for a thinking of sexual difference in the doubling of the question of democracy by that of demography, but this appears to be immobilised by the impact, both in the text and in its reception of a dual neglect of current feminist political theory and of the work of its precursors, Luce Irigaray, Simone de Beauvoir and all the way back to Mary Wollstonecraft. The analysis of non-identity as the basis for cultural identity in *The Other Heading* schematically suggests the frailty of existing political orders and the possibility of a move beyond a traditional masculinism, either

patriarchal or fratriarchal, beyond its law, in response to the possibility of a justice beyond the dominant order. By failing to take up another tradition, a non-masculinist tradition in philosophy and political theory, to demonstrate a non-identity at work in the political culture, what Derrida gives with one hand—a connection between politics and sexual difference—he takes away with the other.

The question of politics for Derrida has also been subject to a politics of postponement, for, ever since the earliest reception of his writings in the United States, some explicit political positioning has been expected but not forthcoming. The interviews published in *Positions* (Derrida 1972c) and in *Points* (Derrida 1993b) raise political questions much more directly than in the written texts, and this poses a problem for those who understand Derrida's position as being to subordinate the spoken, spontaneous word to the context of the possible forms of articulability more easily kept in play in written forms of language.

Increasingly, however, there has seemed to be for Derrida an advantage to the spoken form which makes it necessary to foreclose certain dimensions of a problematic in favour of clarity of exposition. *Of Spirit: Heidegger and the Question* (Derrida 1987), *Politics of Friendship*, *Specters of Marx* and *Archive Fever: A Freudian Impression* (Derrida 1995) are all published works which were in the first instance delivered as extended lectures. This may be the intellectual's version of making history, but not in circumstances of our own choosing: constructing analysis, but not with all the time in the world. From the beginning of his writing Derrida has been positioned within Parisian intellectual life, one of the most volatile and theoretically sophisticated milieux in the world. Thus in the late 1960s, the issue was between a traditional Stalinist and an insurrectionary Maoist communism, between Althusser and *Tel Quel*, the journal of radical semiotics, with whose activities Derrida was briefly aligned. The example of Sartre, however, remains as a warning to all Parisian intellectuals of the dangers of sacrificing the respect of other intellectuals in the hope of achieving the perhaps illusory goals of political transformation through gaining populist support.

The paper presented in the United States in 1968, 'The

Ends of Man,' makes explicit references both to the US involvement in Vietnam and to the politics of intellectuals proclaiming independence of the policies of elected government:

> And yet it would be naïve or purposely self-deceiving to let oneself be reassured by the image or appearance of such a freedom. It would be illusory to believe that political innocence has been restored, and evil complicities undone, when opposition to them can be expressed in the country itself, not only through the voices of its own citizens, but also those of foreign citizens, and that henceforth diversities, ie., opposition may freely and discursively relate to one another. That a declaration of opposition to some official policy is authorized and authorized by authorities, also means precisely to that extent that the declaration does not upset the given order, is not bothersome (Derrida 1972b, p. 114).

In an interview first published in *Le Nouvel Observateur* in 1987, which marks a juxtaposition of Farias' sensationalising study, Heidegger and Nazism and his own publications, *Psyche: Inventions of the Other* (Derrida 1986) and *Of Spirit: Heidegger and the Question* (Derrida 1987), Derrida remarks: 'And what if someone were to have fun showing you that these two books on soul and spirit are also the books of a political activist?' (Derrida 1993b, p. 190). The implicit claim is that a relation to the political is at work in less obviously political texts. A politics of language is implied in the questioning of the violent institution of meaning, in the early discussion of semiotics and phenomenology, in *Speech and Phenomena: Introduction to the Problem of Signs in Husserl's Phenomenology* (Derrida 1967b).[2] There is a politics implicit in the conversation between Levinas and Derrida on an ethics of alterity, of respect and of responsibility for others, ongoing from 'Violence and Metaphysics' (Derrida 1967b), in which there is suggested a rereading of the Kantian categorical imperative as an inscrutable command and which makes politics is secondary to ethics. There is also a politics of fatality developed in response to the reading of Nietzsche, which starts in the papers from 1974 onward, collected in *The Ear of the Other.*

This suggests a third form of law, coterminous with singular embodiment, alongside those determining meaning and convey-

ing divine commands. Thus Derrida has traced out three kinds of law: one constituting meaning; one constituting respect; and the law at work in the articulations of a Nietzschean necessity. These three forms of law replay the threefold divisions of the Kantian system, with the rules of understanding, governing meaning; the categorical imperative, articulating divine command; and the singular inventions of genius, in Kant's Third *Critique*, the *Critique of Judgment*. They also map on to three crimes of violence identified at the beginning of Politics of Friendship, to which I shall shortly turn. There would then seem to be three forms of law beyond which distinct articulations of justice might lie, or, conversely, an articulation of these three beyond which a single justice lies. Thus the question of number returns in the relation between justice and law. This Derrida underlines by insisting on the temporality of justice, indicating that justice may arrive in different forms at every political juncture. Implicit here is a reference to the theory of enumeration which lies at the basis of Aristotle's account of time.

The same move might be made in relation to sexual difference: a differentiation of sex and gender must arrive, but in different forms at every moment of generativity and human self-identification. The question of number, democracy doubled by demography; law made triple and justice problematised in its relation to law, should make possible a series of similar questions in relation to sexual difference and justice, as one, as many, and as indenumerable. For Derrida justice is indenumerable and incalculable, and so perhaps is sexual difference.

Framing Questions: Naming the Law

> The concept of democracy is confirmed in the *Eudemian Ethics* (1236ab): it is a politics of friendship founded on an anthropocentric—one could say humanist—concept (Derrida 1994, p. 198).

In the Foreword to *Politics of Friendship*, Derrida advances considerations which disrupt this move from friendship to anthropocentrism and humanism, suggested in his evocation of Aristotle's *Eudemian Ethics*, since the political principle grounded in friendship is one which is restricted in number and to men,

thus not extending to all human beings as a principle of humanism might be supposed to imply.[3] The crucial question here is who counts as human. In his Foreword, Derrida introduces three disconcerting considerations, concerning masculinism, political crimes, and enumeration. The consideration about fraternity runs as follows:

> Democracy has seldom represented itself without the possibility of at least that which always resembles—if one is willing to judge the accent of the word—the possibility of fraternization. The fratriarchy may include cousins and sisters but, as we shall see, including may also come to mean neutralizing (Derrida 1994, p. viii).

Derrida then links this question of fraternity to that of patriarchy:

> As we know, what still links democratization perhaps more today than ever before to fraternisation cannot always necessarily be reduced to patriarchy in which the brothers begin by dreaming of its demise. Patriarchy never stops beginning with this dream. This demise continues endlessly to haunt its principle. At the centre of the principle, always, the One does violence to itself and guards itself against the other. (ibid.)

The demise of the father dreamt of in patriarchy thus haunts not only patriarchy itself but also its supposed replacement, fratriarchy. With this Derrida introduces two further considerations: the question of the fate of women, in the first place as sisters; and the structure of repetition in the founding crime, as the killing of the father, the death of God, and the displacement of absolute rule.

Derrida here draws attention to a problem of deriving an origin for democracy, since that origin is both patriarchal and fratriarchal: patriarchal as that which is rejected by democracy, fratriarchal as that which is put in the place of patriarchy. He insists on entwining a questioning of political order back into familial biological ordering:

> The concept of politics rarely announces itself without some sort of adherence of the State to the family, without what we will call a schematic filiation: stock, genus or species, sex (*Geschlecht*), blood, birth, nature,

> nation—autochthonal or not, tellurian or not (Derrida 1994, p. viii).

This opens out a question of a filiation and a generation at work in political order which is neither strictly biological nor strictly non-biological. Derrida hints at a complicity between the filiations of the tyrannies understood as patriarchal and the liberties understood under the banner of liberty, equality and fraternity. The implications of this become clearer in the light of his explicit evocation of Antigone. Derrida speaks with regret of all the Antigones of history, buried alive to insure the domesticability of women, rendering both women and the concept docile, as he says, continuing the citation already begun:

> The fratriarchy may include cousins and sisters but, as we will see, including may also come to mean neutralizing. Including may dictate forgetting, for example, with 'the best of intentions', that the sister will never provide a docile example for the concept of fraternity. This is why the concept must be rendered docile, and there we have the whole of political education. What happens when, in taking up the case of the sister, the woman is made a sister? And a sister a case of the brother? (ibid.)

This question should shake the easy transition from anthropocentric to humanist questioning. For it is surely not yet a humanist question if it is still concerned only with the brothers.

Derrida moves into a different tone, through which the question about restricting women to the position of the sister that he has raised here is put on one side again:

> This could be one of our most insistent questions, even if having done so too often elsewhere, we will here avoid convoking Antigone, here again the long line of history's Antigones, docile or not, to this history of brothers that has been told to us for thousands of years (Derrida 1994, pp. viii–ix).

It is important to insist here that the domesticated woman, the Antigones who survive, whether docile or not, are held in place by the threat of being entombed alive.

Mourning the dead for women, then, is a double mourning, for we mourn the dead and we must mourn those women who are dead in life: those who are entombed alive in their lives. This sex-

ual differentiation of mourning remains to be worked out, and Derrida moves on from remarking the entombing of women as sisters and the enforced docility of Antigone to locate a threefold crime which marks the institution of politics. These crimes map on to the threefold distinction of law set out with the help of Kant in the previous section. There is the violence of institution, massively worked by Heidegger in his lectures, *Introduction to Metaphysics*, published in 1935; there is the political crime, the execution of the enemies of the people, in the name of the people, 'in which—much time will be devoted to this—Carl Schmitt identifies politics as such' (Derrida 1994, p. ix), and there is the crime against humanity, genocide, which abolishes the political relation between peoples and thereby abolishes politics. While these forms of violence are distinct, they all, from the stance of Luce Irigaray's analyses (Irigaray 1974), mask a more originary crime. This is an originary matricide which disposes of the maternal debt contracted at birth, by forgetting and erasing its traces, accepting only the masculinised daughter, the subservient wife, the mother of the hero and never the sexualised daughter, dominant matriarch or heroine.

This suppressed fourth term, a fourth crime, cannot take Derrida by surprise for this is the secret of the Hegelianism, which he diagnoses in *Glas: What Remains of Absolute Knowledge* (Derrida 1974), and to which he returns in the reading of Freud in *Archive Fever: The Freudian Impression* (Derrida 1995), revealing that Hegel's three theses cannot remain self-identical, but oscillate between three, plus or minus one. Here, then, the diagnosis of crimes is interrupted by a problem of enumeration, as is the analysis of democracy by the question of demography.

Before turning to this, there remains the puzzle of the double structure through which Derrida both opens out this question of sexual difference as erased maternal lineage and closes it off again. This opening is closed off again in three moves, first in the doubling and erasure of a question of sexual difference, as both essentialist and generative, and second in its relation to the political tradition as both patriarchal and fratriarchal, replacing the law of the father with the conviviality of the brothers. Lastly it is closed off in the further displacements produced by the thinkers' reception of each other, Derrida, of Schmitt, Montaigne, and

Aristotle; Montaigne of Cicero, Horace and Aristotle and Aristotle of all the Greek heroes and gods, who delete all reference to women writing politics. All these names of history prevent Derrida from pursuing his question, instead installing a litany of names of the sons which, while replacing a single paternal name and law, nonetheless reinscribes an exclusion of women. If the law governing these two, the rule of the father and the rule of the sons, is an asymmetrical relation to sexual difference, with masculine ties dominating feminine ones, then the more general law must be sexual difference thought both asymmetrically, as transmitted in the tradition, and symmetrically, as it might be reconstructed in the future. This, then, would be a law conjoining the past asymmetry to a transformed future, and this future to an asymmetrical past.

The Double Binds of Democracy: Beyond the Law of the Fathers

> And Aristotle saith, that perfect Lawgivers have had more regardfull care of friendship than of justice (Montaigne 1591, p. 196).

Derrida explores the double binds of democracy, which he demonstrates to be many, not single. The relation between the demand for equity and the demand for respect for singularity is one aspect of the numerical double bind: equity requires that each be treated as equivalent; singularity suggests the uniqueness and non comparability of each. The injunction of democracy in the name of the people, as a mass term, and as a universal principle contrasts to the injunction of democracy in the name of each individual. While the injunctions conflict, neither principle can be abandoned. These are the aporia of democracy. The contrast between the application of law and the calculation of benefits, and the incalculable effects of the institution of order is another dimension of this double bind, moving from the numerable to the innumerable.

The question of the role of violence and force at the origin of order, and in maintaining a democracy from attack, constitutes a third dimension of the double bind which crosses the dis-

tinction between numerable and innumerable outcomes, for how many dead in what circumstances may be justified in terms of protecting democracy? And how may this violence be compared to that of originary institution, when the possibility of law is invented? Derrida asks the same unanswerable question in relation to numbers of homicides, single deaths, and the imposition of deaths on groups, which at some point becomes that other form of political violation, genocide, with which modern history is scarred. At what point of incalculable calculation does a series of homicides become genocide? Derrida asks how we mark the underlying distinctions:

> Are we sure we can distinguish between death (so-called natural death) and killing, then between murder *tout court* (any crime against life, be it purely 'animal life', as one says, thinking one knows where the living begins and ends) and homicide, *then* between homicide and genocide (first of all in the person of each individual representing the genus, then beyond the individual): at what number does a genocide begin, genocide *per se* or its metonymy (Derrida 1994, pp. x–xi)?

This undecidability refigures the relation between number and legitimacy in an urgent fashion.

Underlying these analyses of double binds, and obvious only to those who have also read Derrida's *Glas: What Remains of Absolute Knowledge* of 1974, is the analysis there of the sexual metaphor at work in the notion of binding: *bander*, to have an erection. This sets up a possible reading of the double bind: as the task of mediating between conflicting sexual lineages. This Derrida does in *Glas*, juxtaposing one reproductive and legitimating lineage, grounded in a reading of Hegel; one homoerotic and excessive, grounded in a reading of Jean Genet. This apparently frivolous connection to sexual potency is perhaps not so frivolous when the double-edged question about the sexual politics of genocide is asked. Sexual politics is here understood as being concerned with gender roles and the politics of reproduction, and with an analysis of libidinal investments in exercising a right over the lives of others, to the extent of denying that they are lives while attempting to ensure that no further life may spring from that line of descent. When Derrida writes and speaks

of a double bind, he is also considering male potency and the possibilities of inheritance, and, obliquely, sexual difference from the male point of view. The maleness of the point of view adopted by Derrida passes almost without comment, except when he explicitly draws attention it, especially in the texts of 1974, in *Glas* and in *Spurs: A Question of Style*.

Freud's great text, *Moses and Monotheism*, to which Derrida responds in *Archive Fever: A Freudian Impression* (1995), is not just a commentary on the origins of psychoanalysis and religion, but also a commentary on the delusions of a politics which hopes to hold itself separate from its origins in those biblical inscriptions. This politics has a threefold derivation of order and law: first as God's word; then as God's tablets of commandment; and, thirdly, as the living flesh of the son, as Christ, as Isaac, as Joseph, to be sacrificed and not sacrificed for the sake of the preservation of the people, an affirmation of the bond between people and divinity, and, above all, as a reiteration of the necessity of divine order. These three discourses of the West—the psychoanalytical, biblical and political—line up together, with their combined force of exclusion, for where are the daughters and mothers? Derrida draws attention to the absence of Sarah in the retelling of the story of God's command to Abraham to kill their son, Isaac. He emphasises the power of this mutual support system through the juxtaposition of the psychoanalytical, biblical and political writings. He does not participate in the fear which prevents a confrontation with what their combined power implies: the impossibility of direct democracy and the endless deferrals of any end to the subordination of women. In the imaginings of the good willed, the subordination of women as women will in the end be overcome in the achievement of a just state, but in the meantime this good willed imagining blocks recognition of the unending, everyday existence of a patriarchal, fraternal, and monosexual thinking of the political. This Derrida is willing to make visible and explore in the today of non-exceptional conditions.

In recent years, Derrida has mobilised Freud against Hegel, in *Archive Fever*, and Heidegger against Marx, in *Specters of Marx*, revealing double genealogies of the masculinity of inheritance and of the male point of view at the centre of the tradition of

political thinking; he has mobilised Walter Benjamin against Heidegger and Freud, himself against Benjamin, and, finally, all against all, a veritable *bellum omnium contra omnes*, to show that the concept of democracy is unstable and that the tradition of political thinking is misogynist at a more basic level than has yet been thought through. It is a misogyny of a certain kind of politics of reproduction concerned both with the propagation of human beings and with the dissemination of forms of thought.

For Derrida, the programmes of Hegelian dialectics and of Marxian revolution give way to the project of Heideggerian thinking and the destabilisation of both concept and time at work in that thinking. This in turn gives way to a Nietzschean recognition of the extraneous effects of a non-human necessity at work in a logic of 'perhaps', the chance elements structuring the supposed promise of another kind of ordering. However, all the same, this Nietzscheanism is one which gives the position of echo, of listening with a receptive ear, to Ariadne, not yet the role of self-diremption, of a position for women as women in politics which is not relative to the positioning of men, in general, or to a specific man, Nietzsche, Dionysus, Derrida. Women may listen to the voice of the sage and hero, but we do not yet hear the voice of the friend which interrupts the solitude of thought evoked by Rousseau; and can we have a voice which speaks in solitude? This is a question to which Derrida cannot return an answer. It is a question which is held open by his gesture of return to the resonance of a silencing of a question of sexual difference both in the tradition and in responses to his writings.

In the 1997 discussion of *The Politics of Friendship* at the Institute of Contemporary Arts, London, Derrida suggested the possibility of a non-genetic filiation to correct this masculinism in the political tradition, and then asked whether all genealogical concepts might have to be abandoned on the same grounds. My suggestion is that this is too drastic a response to an insufficiently carefully formulated problem. For the notions of genesis, filiation and genealogy are here deployed in terms of a context permeated by male power, and the their deployment then unsurprisingly confirms the presupposed masculinism. To release the thinking of filiation and lineage, genealogy and generation from masculinism, what is needed is to reveal the masculinisms at

work in the deployment of the supposedly neutral scientific discourses, from which these quasi-scientific terms, genesis, filiation, lineage, derive. The problem with this filiation is that it is insufficiently, not excessively, genetic: it bears no trace of a maternal lineage; the genealogy needed is one which does not repeat Aristotle's gesture of erasing the maternal line. In place of Derrida's gesture of abandoning talk of genesis and genealogy on the grounds that these terms are embedded in a system confirming male authority, the move must rather be, on identifying such power, to dispute it. Derrida obliquely reveals the double bind of patriarchy, that revealing the structures of masculinism at work in confirming male power is rather to reconfirm than to challenge them. Antigone remains entombed alive and the lineage of descent remains in the form of father to son.

The ambiguous daughter who is also a sister stands in for the originary matricide diagnosed by Irigaray. The sons thus inherit not by parricide but by gynocide. In *Politics of Friendship* Derrida opens up this question: how does the emphasis on brotherhood in friendship and politics complicate the lines of authority and necessitate a more careful thinking through of the supposedly emancipatory potential of democracy? He may not have an answer or even an adequate response to this question, but he shows that the relation to be unpacked is no longer the discrete misogyny at work in the texts of Nietzsche or Montaigne or Aristotle, but rather the way in which a complicity of masculine friendship between these figures in the tradition, across generations, sets up a series of barriers to entry by women into the discussion, imposing a requirement of an enormous effort of skill and energy in order to appear neither irrelevant nor overly invested. Derrida's readings of the cross-temporal alliances at work in the transmission of ideas, both within traditions, such as that of political theory, and across traditions, from biblical exegesis to psychoanalysis, from Montaigne to Hegel, reveals the scope and possibilities of the work.

Sexual Difference: In the Name of the Law

> What is proper to culture is not to be identical to itself (Derrida 1991, p. 9).

It is possible to set out a few identifying features of another kind of politics, as a result of reading Derrida, as obliquely contributing to a diagnosis of the problem of the question of sexual difference as not one, as more than one, and as certainly either more or less than three. A discussion of the sequence, matriarchy, patriarchy, fratriarchy, is certainly not going to help. This other kind of politics is not predicated on emancipating the sons from resemblance to the father and from a debt to the father; it is a politics committed to revealing the asymmetries at work in a tradition where parricide is written but marricide is not. It shows that emancipation from a divine law of theodicy is not emancipation if it reinstalls a law of the father and son. In *Politics of Friendship*, and indeed elsewhere, Derrida suggests that this emancipation is almost unimaginable, but this 'almost' promises a possibility of thinking otherwise.

Derrida's notion of democracy to come, as promised, in the thought of democracy, is set out as a task to be undertaken, constantly alive in the imagination. It is a source for political endeavour, as democracy is not a possession which can be securely appropriated but an ideal to be reinvented in every political moment. Derrida thus introduces his notion of a weak Messianism, which suggests that there is a continuous possibility of the arrival of the ideal—not definitively, not changing the course of history, nor bringing it to an end, but in changes in the ways that problems present themselves, politics are thought, strategies developed, and human relations transformed.

The collapse of the East/West European divide has reopened the question of ethnic hostility and instability in Europe, raising questions of culpability for genocide, acknowledged and unacknowledged, for crimes against humanity, crimes of war and crimes of neglect and feigned ignorance of the likely fates of repatriated civilian populations. Derrida suggests that there is a new spectre haunting political theory: the spectre of sexual difference, not just a concern with the position of women in the state and in civil society, but as articulated in the politics of reproduction, including rape and the forcible termination of pregnancies, in the regulation of populations through reproductive control and the systematic abuse and rape of women from

defeated communities.

These wider ramifications of a question of sexual difference in politics are not opened out by Derrida, but as a result of his rigorous attempt to occupy a certain stance of scarcely maintainable neutrality with respect to sexual difference, a problem fundamental to the notion of democracy concerning numbers and the composition of populations, begins to emerge. The contribution to a political thinking made by Derrida in *Politics of Friendship* is also to be framed by his analysis of a transmission of male authority in both the analysis of Hegel (in *Glas*) and of Freud (in *Archive Fever*), in a dispute over the ongoing impact of supposedly discredited psychoanalytical and dialectical theories of human self-formation.

The conflict traditional in European democratic thinking sets up the ideals of freedom and of political order as hard to combine. Hobbes diagnosed a condition of freedom and danger in the present, and of order and justice to come. Hegel attempted to prove that there is freedom only within institutional order: the politics and order to come retain the only freedoms worth having. Derrida thinks the temporality of the conflict differently. He releases justice from institution, locating it at the source of institution, but as unamenable to institutionalisation. For Derrida political order is a temporal paradox, where the pure moment of justice is lost as soon as it is invoked. He attempts to think a politics in which there can be no postponement of justice, by thinking the aporia of law (law as institutionalised and as justice), as temporally disjoined—as both the ideal towards which political institution works and the idea which is always given in advance. Thus justice is at work within the law, yet is always beyond the law and before the law. This gives another version of the tension between justice and freedom, with justice now, and freedom later.

The gender marking of this reorientation remains to be explored, but in terms of sexual politics and the politics of feminism, there is a resonance between this structure and the structure of imagining the emancipation of women in order to achieve it; imagining the end of male power in order to end it; and inventing a tradition of maternal genealogies in order to reinvest biogenetics and the genealogy of political thinking with an

understanding that women are positioned differently in relation to the everyday misogynies of the transmission of culture and the transmission of being human. It is, after all, women who are pregnant with the future of both man- and womankind.

This thinking of another kind of politics may require the thinking of yet another kind of justice, in relation to yet another kind of violence. The domain of politics in the past fifty years has been transformed almost out of recognition, for those with imaginations formed in the complicities between Montaigne and Horace, between Hegel and Aristotle. It has been transformed to make room for those previously disenfranchised not just from the political process itself but from the formation and transformation of the political imaginary, in which political ideals develop—and from which other visions of the future emerge. Derrida's insistence on the openness of the future makes possible both the imaginings of positive transformation in which politics is made in the image of both maternal and paternal lineages and inheritances; it also opens out the spectre of a pre-emptive destruction which would rather no life than a life of negotiation between singularities.

This, then, is the spectre haunting political theory: the spectre of sexual difference as a release of forces of destruction. Here, then, there are three versions of sexual difference: the immobilisations of Lacanian thinking; a sexual difference of generativity; and one inaugurating destruction through the operations of pre-emptive fear. The problem of fear, fear of transformation and the resistance to change among those committed to the old asymmetries, may threaten a further dissolution of classical Republican ideals into the mayhem of sectarian violence. The everyday tyrannies of justice tomorrow, justice yesterday, and always exclusion today may turn out to have been preferable to the dangers opened out by this politics of fearful resistance to transformation.

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Notes

1 In 'Forays of a Philosophical Feminist: Sexual Difference, Genealogy, Teleology (Hodge 1999, first given as a paper at the

Transformations Conference, Lancaster, summer 1997) I explore, through a discussion of philosophical feminism, the emancipation of sexual difference from its immobilisation in a present tense, without tracing the contribution reading Derrida makes to this move. This paper and the one presented here, then, present alternate perspectives on the one conceptual move.

2 See Beardsworth (1997) for an excellent discussion of this.

3 On the question of humanism and the question of nihilism see Heidegger (1993) and Hodge (1995), chapters 3 and 4.

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CITIZENSHIP AND CARE: THE POSSIBILITY OF TRANSLATION

Diemut Bubeck[1]

Whilst the respective virtues and drawbacks of a care as against a justice perspective have been disputed at length in moral and to some extent in political philosophy, less has been said about how a care perspective could be useful in thinking about and conceptualising citizenship.[2] If the concept of citizenship tells us something about the meaning of membership in a political community (Kymlicka and Norman 1994), how can the care perspective that feminist theorists have recently been developing and debating make us rethink this meaning? In this discussion paper, I address this question by responding to Dietz's rejection of a possible link between care and citizenship and her suggestion that nothing helpful or illuminating can be said about citizenship from a care perspective (Dietz 1985). I end by elaborating four ways in which such a link can be made.

The Link Between Care and Citizenship

Dietz has argued against the possibility of 'translating' from care into citizenship by suggesting, focusing on mothering, that the maternal and the political consist of distinct activities, hence that no such translation is possible: mothering 'is an intimate, exclusive, and particular activity ... Democratic citizenship, on the other hand, is collective, inclusive, and generalized' (Dietz 1985, p. 31). Dietz's critique is based on an Arendtian type of civic republicanism and is obviously inspired by the categorical distinction between the political and the non-political typical of civic republican thought. Whilst feminists have opposed the public-private dichotomy more generally, it is worth looking at Dietz's specific arguments in order to assess on what grounds one would reject its 'imposition' in this particular case, as others have put forward arguments similarly focused on a distinction of private and public values or virtues (e.g. Ignatieff 1989, p. 72).

Dietz pursues her argument as a critique of Elshtain's and Ruddick's early advocacy of maternal thinking.[3] Although Dietz

focuses on mothering, most of her arguments apply to care, too, and so are important to consider for anybody interested in the possible contribution of a care perspective to the reconstruction of citizenship. As will become obvious further on, however, my own argument about care is made somewhat easier by the fact that a focus on care avoids at least some of the problems which arise specifically from mothering.

Dietz's main point is that a good mother (or carer) does not necessarily make a good citizen, because a citizen's activities and virtues are distinct and exclusive to political discussion and action, and can only be learnt in the public sphere. Now we can easily admit that mothering or caring and political activities are dissimilar in various respects. It does not follow, however, that these activities are dissimilar in *all* respects, and as long as there are respects in which they are similar and comparable, care theorists may be justified in building their case on those. Thus listening to, engaging in dialogue with, and taking responsibility for, others are certainly involved in both activities. Nor does it follow that these activities, despite dissimilarities in various respects, cannot be informed by the same virtues and values. Honesty, to take a neutral example, is seen as a virtue in the public as well as in the private sphere (and equally lacking in both), and peace is equally undeniably a value in both spheres, even if its interpretation changes between the spheres.

More generally, if virtues are dispositions to act in certain ways, these dispositions can be exhibited across a wide range of different situations and activities, hence also, at least in principle, public and private ones. Similarly, whether values are valid in particular spheres or situations depends on whether the values are general enough and whether a suitable interpretation for more particular contexts, public or private, can be found. Rather than assert *a priori* incompatibility on the basis of a categorical distinction between different types of activities, therefore, Dietz would need to show not only that none of the activities involved in and characteristic of mothering or caring are appropriate for the domain of politics, but also that the virtues and values characteristic of the practice of mothers and carers are not appropriate either. As I shall point out below, however, the values and especially the skills and virtues exhibited in caring are

very apposite for politics, even if they remain hitherto unacknowledged and sorely lacking.

A further argument relates to the specific links maternal thinkers and care theorists are trying to establish between mothering or caring and citizenship. I shall deal here only with the main point in Dierz's threefold objection to the possibility of such a link. Thus Dietz argues that no political standards or values can be derived from mothering since the 'moral imperative of mothering'—the preservation and growth of children—is too specific to lead to any guidelines for political decisions (Dietz 1985, p. 30). However, much more general values can be derived from mothering, depending on how mothering is conceptualised. Ruddick's maternal thinking, for example, leads her to emphasise the value of peace and a particular model of conflict resolution, and these are certainly relevant for at least certain political issues, notably peace politics (Ruddick 1989). Furthermore, the argument applies even less to care than to mothering since care is a more general practice. As such, care also implies more general values such as the importance of the meeting of needs, which, in turn, will lead to certain political imperatives like the importance of the welfare state. Lastly, as I shall elaborate in more detail below, other types of links between care and politics are possible, through particular issues, virtues and generalised perspectives. Again, Dietz's general argument fails because she is unwilling to address the variety of links that have been or could be drawn. It is the task of the maternal or care theorist, however, to motivate and convince us about the particular links she thinks obtain.

A third argument by Dietz is meant to reinforce her argument about the strict separateness of the two spheres of mothering and politics and the activities associated with them. Thus she points to the differences in the relationships that obtain between mothers and children and between citizens: the former are unequal and characterised by exclusive love, whilst the latter are equal and characterised by Aristotelian friendship or mutual respect (Dietz 1985, p. 31f.). Now nobody could possibly deny that there are such differences, and I share with Dietz the unease about the power hierarchy implicit in a mothering relationship, if this is taken as a model for relationships and inferences in the public sphere. It is furthermore possible, as Dietz claims, that the

emotions connected with mothering may be too strong and too exclusive to allow a transfer, although it may be argued that too exclusive a type of mothering, and certainly of caring, represents a corruption of the practice rather than the ideal type (see Bubeck 1995). These points, however, do not imply that 'private' practices and relationships cannot serve as resources for political reflection and action, but at best that mothering may be inappropriate.[4] I think they represent good reasons for choosing care rather than mothering as the basis for rethinking citizenship, since care presupposes neither the relatively lasting power inequalities nor the close emotional bond that characterises mothering.

I conclude, then, that care, conceived of as the practice of meeting needs in others in face-to-face interaction, is better suited for making the link with citizenship than mothering because it is the generic practice of which mothering is a more particular instance. As such, care avoids the more difficult aspects of mothering discussed above. Whilst endorsing to some extent Dietz's objections against mothering, then, I do not think these objections hold against caring, hence leaving the care theorist free to develop her approach to citizenship. The *onus probandi*, however, lies on the side of care theorists (and maternal thinkers): their work has to show how the translation from care or mothering into citizenship is possible and why it presents a plausible alternative to other conceptions.

Translating from Care to Citizenship

Four different types of translation from the practice and perspective of care to the sphere of politics and citizenship strike me as important. I shall present them and give examples from the theory of care or mothering. None of these different types is exclusive, and they are likely to be found combined.[5]

First, and least controversially, private concerns or contents may be translated into public ones.[6] Carers may claim their concerns to be, and argue for them to become accepted as, public ones, hence what is on the political agenda may change as a result of the intervention of citizen carers in politics, based on concerns derived from their experience as carers. These may, but need not,

be specific or sectional concerns.[7] Carers may, for example, refuse to accept any longer that problems they have with combining paid work with unpaid care are their private problems and call for public support for their efforts, or even for society to take more responsibility for the provision of care to those in need. Likewise, the gendered distribution of paid and unpaid work, which burdens women with most of the unpaid care, may be claimed to be an issue of social justice (Boling 1991, Bubeck 1995). It might also be argued that the practice of care should be acknowledged as and made into a general citizen's obligation: no society can survive, let alone flourish, without the care that all citizens need at various stages in their lives and in various ways. Given that care is so central to any society, and given, furthermore, that the practice of care may function as an education in important virtues which are also important for citizens to have, all citizens should contribute their fair share of care to the general welfare of society.

This type of translation, then, will often follow the general feminist impulse of re-politicising issues that are perceived to be wrongly or even oppressively de-politicised rather than truly private. Or it may simply bring to public awareness issues that would relatively easily be accepted as political but are not widely known or even actively suppressed, as the example of the Argentinian and Chilean *madres* protesting against the 'disappearances' of their children or that of the German mothers protesting against contaminated food after Chernobyl illustrate (see Ruddick 1989 and Stopzcyk 1989, respectively). If the boundary between the public and the private is itself amongst the contested issues in a democracy, there is nothing that is simply and uncontestedly private, and this in turn implies that translations from private concerns, including those of carers and mothers, into public agendas will always be possible.

Secondly, private values may become public ones, hence the values which inform political reflection and by which political alternatives or decisions are judged may be derived from values endorsed by carers because they inform their practice of care. Ruddick's work on how maternal thinking translates into peace politics is a good instance of how carers' or mothers' values, notably the preservation of life, can be translated into a commit-

ment to peace and a general suspicion of the 'imperative' to arm and of easy justifications of war (Ruddick 1989). Also, the value of meeting needs, which guides any form of care, can be seen as a value which informs not only one's understanding of the point and functioning of society and social interaction, but also underpins the philosophy of the welfare state (Bubeck 1995). Lastly, the value of openness in a carer to the demands made by those in need can be translated into a value that should inform political interaction and the nature of democratic political institutions. Openness and accessibility of a political system to all who want to voice their concerns, and the openness of participants in public discussion to different points of view and different needs and interests, as opposed to narrowly sectional lobbying and politicking may change the nature of politics, both of discussion and of outcomes, considerably. Whether and how the values of care can be transferred from private to public, then, depends mostly on whether the values implicit in the practice of care are generalisable, and whether a valid interpretation for them can be found in the sphere of politics.

Thirdly, private virtues and skills arising from and informing the practice of care can be argued to be relevant and important in citizens' activities, too. Thus the attentiveness to another person's reality, needs and interests which characterises a good carer may be crucially important in modern democratic political communities in which social divisions lead to radically different realities, needs and interests (Tronto 1993): substantive equality can only be achieved if such differences are truly understood and taken into consideration in political decisions. Real attention to others—that is, the capacity to listen and take in what others, different from us, say in the political process—is a necessary precondition of any such efforts. Furthermore, the ability to acknowledge such different realities is as important between carer and cared for as it is in public discourse: such acknowledgement creates a sense of shared understanding and shared reality—as opposed to antagonism and desperation arising from not being heard on one side and anger about others continually 'going on about something' on the other—and thus allows truly consensual solutions which deflect tension and conflict (see Bubeck 1995). Such acknowledgement may be especially impor-

tant politically in a situation where part of the oppression of some groups consists in public silence, marginalisation or even suppression or criminalisation of their lives.[8]

A last example is the ability to respond creatively and imaginatively to seemingly impossible dilemmas, which is crucial in a good carer, but may equally well lead to more imaginative and creative political solutions. Dilemmas arise from seemingly incompatible principles, claims or interests, in political negotiation and conflict resolution as much as in day-to-day care, and the ability to remain flexible about the interpretation and application of one's deeply held principles and values, together with an imaginative and creative approach to such situations, may make for better politics than most of us are used to. Whether and how the virtues of care can be transferred into the political sphere, then, depends on whether their relevance and usefulness can be shown. Generally, there seems to me a fairly strong case for most carer's virtues being understood as political virtues, too, because both care and politics are 'muddling through' types of activities which involve the welfare of others, hence whose outcomes are crucial: it is hardly possible to make a perfect job of either, but a lot depends on how well people know how to 'muddle through' together with others, and that in turn depends on their having acquired certain interpersonal and problem-solving skills and virtues.

Lastly, private understandings may become public ones. Feminist standpoint theorists have claimed for a while that the fact that the practice of care is predominantly relegated to women via the sexual division of labour allows women access to a type of experience and knowledge that is closed off to those who do not engage in this practice (Hartsock 1987, Harding 1987, Ruddick 1989, Boling 1991, Held 1993). Carers, according to this type of argument, have an intimate knowledge of human need and the dependency such need invariably creates. This knowledge contrasts strongly with, and throws doubt on, the assumption of independence characteristic of both mainstream political theory and politics. Also, models of conflict resolution derived from mothering may look quite different and be more adequate than those of strategic realists (Ruddick 1989). More generally, the wealth of human experience and the sources

of knowledge which carers can bring to the political sphere might, if spelt out more systematically, alter considerably the way politics, the nature and purpose of the political community, as well as citizenship itself are conceived of. Reflection about these topics is at least mediately influenced by our implicit or explicit theories of human nature, society, social interaction and moral beliefs and values. If there is reason to believe that those of carers are different from those of non-carers, there is also reason to believe that carers as citizens—provided they do not leave their knowledge as carers behind when entering the public sphere, as Dietz, like many civic republicans and also liberals would want them to do—will bring to the polity an important and valid contribution that is only starting to be realised as a potential resource in political theory.

In conclusion, much work remains to be done to flesh out particular approaches to citizenship based on a care or mothering perspective. In this paper, I have only been able to sketch some preliminary argument, defending the possibility of translation from care to the political sphere against Dietz's critique, and pointing out four types of such translation. I hope this systematic exercise elucidates more clearly the various possibilities and routes such a translation could take. Given the wealth of experience implicit in care, as well as the virtues, skills and understandings carers have, it would be a terrible loss if politics could not benefit from these, and if political theorists continued to look for reasons for not taking care into account when thinking about citizenship.

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Notes

1 The argument in this paper is an edited part of a longer piece on citizenship, published as 'A Feminist Approach to Citizenship', in Hufton and Kravaritou (1999). I would like to thank the European Forum at the European University Institute, Florence, for supporting this research.

2 See, however, Jones (1990), Tronto (1993), Lister (1997), and Sevenhuijsen (1998).

3 See, among others, Elshtain (1981, 1982) and Ruddick (1989). Note that Ruddick's book, *Maternal Thinking* (1989), which appeared much later, consists of an in-depth development of the ideas presented in the three papers on which Dietz bases her critique (Ruddick 1980, 1983a, 1983b). Ruddick (1989) illustrates at least implicitly many of the points I make against Dietz below. It is also worth noting that Ruddick's work on maternal thinking, even in the early papers, is much better developed than Elshtain's, which Dietz focuses her critique on.

4 But see Held (1993) for quite a challenging defence of mothering.

5 Nor are they necessarily clearly distinct—but I do not see why they would have to be. They are simply meant to illustrate different ways of making the link between care and citizenship.

6 I use 'private' here to refer to the experiences, concerns, values, virtues and conceptions which form part of the caring practice of individual carers or mothers, and 'public' to refer to the sphere of politics and citizenship, without, however, wanting to imply a fixed dichotomy between private and public. Note also that similar experiences, concerns, etc. form part of public care (Bubeck 1995).

7 Phillips (1993) seems to think that feminist interests are necessarily sectional interests—hence that feminist politics are necessarily interest group politics—by contrasting these with the general point of view that citizens should take, and affirming the latter. I do not think that concerns which may be derived from the experiences of a particular group, in this case women, are necessarily sectional, that is, not general: if a society has solved a social problem by making one particular group responsible for dealing with it, members of this group will have a particularly good grasp of what the problem is and may make it into one of their political priorities (apart from also having an interest in it being understood as a general social problem). The problem, however, has always been a general one. The provision of day-to-day care for those in need, and the upbringing of children more specifically, are cases in point: feminists may have a specific interest in pressing these issues politically, but the problem of the provision of care for those in need is a general social problem

that all societies have to solve in one way or another, and that some solve better, more humanely and justly than others.

8 This point seems particularly relevant in the case of 'differently abled', cultural and sexual minorities. Nancy Fraser discusses the importance of a politics of recognition in tandem with a politics of redistribution (Fraser 1997).

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BOOK REVIEWS

Simone de Beauvoir: A Critical Reader
Elizabeth Fallaize (ed.), Routledge 1998
h/b £45.00 0 415 14702 6, p/b £13.99 0 415 14703 4

Simone de Beauvoir: A Critical Introduction
Edward Fullbrook and Kate Fullbrook, Polity Press 1998
h/b £39.50 0 7456 1202 4, p/b £11.95 0 7456 1203 2

In its persistent concern to explain and denounce inequality, oppression, and gender hierarchy, and its enduring support for an ethics centred upon notions of freedom of action, reciprocity, and mutual recognition, the thought of Simone de Beauvoir importantly prefigures that of many recent feminist political philosophers. Over the last twenty years scholars have begun to reconstruct Beauvoir's distinctive ethical and political theories and her positions on feminism; these two books emerge from this wave of scholarly activity. Elizabeth Fallaize's collection of writings on Beauvoir explores the changing character of the debates inspired by her work and the readings of it produced by (mostly feminist) philosophers and literary critics; the Fullbrooks aim to offer the first overall introduction to Beauvoir as philosopher.

Fallaize divides her book into three sections: the first, entitled, a little misleadingly, 'Readings of *The Second Sex* [1949]', deals with Beauvoir's philosophical approach and the question of its distinctiveness *vis-à-vis* the early existentialism of Sartre; the two latter sections contain readings of the autobiography and of Beauvoir's fictional writings. Unsurprisingly, then, the first section holds the greatest interest from the philosophical and political point of view, and within it the most noteworthy contributions are by Judith Butler, Sonia Kruks and Eva Lundgren-Gothlin.

Butler's 'Sex and Gender in Simone de Beauvoir's Second Sex' develops an interpretation of Beauvoir which, despite its dearth of textual support, is peculiarly original, attributing to Beauvoir the idea that (cultural) gender is radically independent of (anatomical) sex, so that the sexed body may assume any gender. The act of assuming gender, Butler contends, is performed not by a disincarnated locus of free agency, but by the body itself;

the assumption is an act of 'renew[ing] one's cultural history in one's own terms' (p. 34). Butler herewith shears Beauvoir's philosophy of the lingering Cartesianism that has rendered her liable to the charge of thinking from a 'masculine' perspective.

Sonia Kruks (in 'Beauvoir: The Weight of Situation') carefully delineates the modifications that Beauvoir made, throughout the 1940s, to the framework she derived from *Being and Nothingness* (1943). According to Kruks, Beauvoir believes that material inequality limits not only subjects' power to exercise ontological freedom but also their possibility of forming 'projects that open on to the future' (p. 51). Inequality thus redirects ontological freedom itself, trapping it in a state of immanence or unrealisability. On Kruks' reading, Beauvoir defines oppression as the creation and perpetuation of such ethically pernicious situations of material inequality. Kruks also maintains that Beauvoir's analysis of gender oppression is premised upon her conviction that women's physiological constitution predisposes them to spend considerable time on 'immanent' reproductive activities; men take advantage of this situation, instituting conditions of oppressive inequality.

Kruks' paper compares interestingly with Eva Lundgren-Gothlin's celebrated study of the master-slave dialectic in *The Second Sex*, which argues that Beauvoir marries Sartre and Kojève (Lundgren-Gothlin rightly underscores Kojève's influence on Beauvoir's understanding of Hegel) to formulate a conception of intersubjective conflict as historical and susceptible of supersession by a state of reciprocal recognition. For Kojève, the conflictual master-slave relationship arises as two self-consciousnesses attempt to prove to one another their freedom from natural life; this quest for recognition culminates in the life-and-death struggle, the winner of which becomes 'master'. Subsequently, the slave—through the combined experience of work and fear of the master—rediscovers his freedom and terminates the master-slave relationship. Lundgren-Gothlin convincingly shows that for Beauvoir, no life-and-death struggle occurs between men and women, because women never seek recognition; singularly, their oppression arises from the lack of recognitive struggle, from women's abiding at a relatively 'animal' level. Like Kruks, Lundgren-Gothlin stresses that women omit to

demand recognition due to their debilitating (reproductive) physiology; and that their oppression will cease only when, through participating in economic work, they start to pursue recognition and consequently enter into, and transcend, master-slave relationships.

These three papers, especially, further our understanding of Beauvoir's ethics and politics, but the collection could profitably have included more papers on these philosophical themes (the absence of any contribution from Michèle le Dœuff is especially regrettable). Most notably, there is no examination of the all-important controversy over whether Beauvoir's existentialist approach is somehow necessarily 'masculine'. Although a parallel question arises within the literary essays (Jane Heath investigates whether Beauvoir's writings exhibit identification with masculinity, while Fallaize explores Beauvoir's fear of writing as a woman), the philosophical dimension of this problem remains submerged.

In contrast, the Fullbrooks highlight the philosophical side of Beauvoir's work; they aim to offer a concise and unified picture of Beauvoir as philosopher. Any such introduction, however, necessarily confronts the problem of Beauvoir's refusal to identify herself as a philosopher. The Fullbrooks explain this refusal by claiming that Beauvoir reserved the label of philosopher for system-builders. But this too quickly explains away Beauvoir's refusal, excluding the more troubling possibility that she reserved the philosophy label for men. Still, the Fullbrooks tackle this problem in greater depth: they argue that Beauvoir deliberately chose literature as the appropriate medium in which to pursue the kind of philosophy that she valued. She insisted (presumably against Hegel) that the only points of view are those of individual subjects, there being no universal subject. The Fullbrooks state that 'the world can be viewed only from a particular point of view, [so] ... the philosophical enterprise must begin with particular and concrete descriptions' (p. 40) of subjects' interactions—descriptions provided by Beauvoir's ('philosophical') novels. This interestingly accounts for the omnipresence of philosophical themes within Beauvoir's literary work, but remains inadequate as an explanation of her writerly identification, presupposing that she was in a position to choose freely between (traditional) philosophy and literature—to adopt litera-

ture deliberately in pursuit of a particularistic philosophical strategy. Yet it is at least as likely that Beauvoir felt constrained to abandon philosophy for literature because of the pervasive association of philosophy with masculinity.

In the remaining chapters, the Fullbrooks summarise Beauvoir's theories as presented concretely within her fictions. Here the Fullbrooks' analysis becomes less plausible, as they overstate Beauvoir's achievements, claiming that she made an unprecedented break with the dichotomies entrenched in the work of her (male) philosophical predecessors. For instance, they credit Beauvoir with having been the only thinker to devise a plausible solution to the problem of other minds—her solution being the postulation of an internal relation between consciousnesses, whereby each may directly experience objectification at the other's hands, an experience which implies that the other is a subject (therefore capable of objectifying others). If this constitutes a solution to the problem of other minds, though, the same solution can certainly already be found within Hegel, and indeed Sartre; so Beauvoir cannot legitimately be identified as a groundbreakingly original thinker.

The Fullbrooks also argue that Beauvoir overcomes the opposition between deontological and teleological ethical theories, elaborating instead an ethics of reciprocal recognition organised around the idea that, to make one's existence meaningful, one needs others to recognise one's achievements, and hence requires them to be free so that they can bestow this recognition. Again, this ethics of reciprocal recognition is already present in Hegel's philosophy. Rather than making overly grand claims for Beauvoir's philosophical accomplishments, the Fullbrooks could more fruitfully have adopted a relatively qualified approach—explaining, for example, how Beauvoir's defence of an ethics of reciprocal recognition involves the restatement, and elaboration, of Hegelian ethics, against Sartre's insistence that intersubjective conflict is intractable.

The Fullbrooks' study of Beauvoir is useful in introducing the full range of themes explored in her work, and in treating the literary writings as giving consistent expression to philosophical arguments. Nevertheless, the book cannot be taken as an altogether dependable account of Beauvoir the philosopher because

of its unfortunate tendency to exaggerate the extent of her originality. The book would have benefited from a greater amount of careful analytical work to identify the ways in which Beauvoir both preserved and adapted elements of the philosophical frameworks that she inherited.

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Justice Interruptus: Critical Reflections on the 'Postsocialist' Condition

Nancy Fraser, Routledge 1997
h/b £40 0 415 91794 8, p/b £12.99 0 415 91795 6

The papers collected in this book represent Nancy Fraser's work from the first half of the 1990s. Although written and published in the form of separate articles, her work is marked by a sustained effort to avoid, as she puts it in one of the papers in the book, the 'false antitheses and unnecessary polarizations' (p. 208) which are characteristic of much argument in political theory, including feminist political theory. In doing so, she has become, like Iris Young and Anne Phillips, one of the 'mediators' between the deconstructive moves typical of 'high' postmodern theory and the constructive, but often limited, arguments of more traditional forms of political theorising. Her work also spans a variety of strands in political theory: feminist and mainstream, socialist and liberal, critical and Foucauldian theory. As such, it is interesting and rich, and speaks of a thinker who comes from, and remains concerned with, feminist issues but will not be confined to them.

Fraser locates her approach in relation to an attempt to theorise the 'postsocialist' condition of societies marked by conflicts over both redistribution and recognition, of which feminist concerns and issues provide one instance. This double theme of redistribution and recognition is covered at length in the first paper of the collection, 'From Redistribution to Recognition', and refers more narrowly to differing interpretations of the concept of justice with either or both. More broadly, it also refers to types of theories focusing either on political and economic questions of distribution, specifically various forms of inequality (the 'old' Marxist and socialist theories, and 'equality' feminism), or

on cultural differences and a concern with the recognition of those differences (liberal multiculturalism and 'difference' feminism). Whilst these approaches are often seen as incompatible, Fraser argues that a 'post-socialist' theory has to combine its traditional political –economic analysis with a recognition of the importance and independence of culture. This, she argues, becomes most obvious if one looks at the different forms oppression takes in different social groups: whilst class is the paradigm case of distributive oppression and injustice, lesbians and gays, as well as ethnic groups, are the paradigm case of cultural oppression and injustice. Gender and 'race', by contrast, are 'paradigmatic bivalent collectivities', whose oppression is both, and irreducibly, political-economic and 'cultural-valuational' (p. 19).

However, the 'logics' of redistribution and recognition are not easily combined, Fraser argues, as they lead to characteristic dilemmas. Whilst the solution to redistribution problems, as the example of class illustrates, according to her, is 'to put the proletariat out of business as a group' (p. 18), the solution to recognition problems, as the example of homosexuality illustrates, 'requires changing the cultural valuations' and 'accord[ing] positive recognition' to the group of gays and lesbians (pp. 18–9). The logic of redistribution, in other words, requires the abolition of groups, whilst the logic of recognition requires their affirmation. These dilemmas become most urgent in the 'bivalent' forms of oppression, gender and 'race', where the two logics point in opposite directions.

This analytical approach is further illustrated in Fraser's discussion (in chapter 7) of the history of second-wave feminism as, in its first phase, torn between equality feminism's conception of gender oppression as a political –economic problem of redistribution and call for the abolition of gender, and difference feminism's insistence on celebrating women's difference and call for the recognition and positive revaluation of gender difference. Instead of addressing this impasse, however, the second phase focused on differences between women and the third phase was characterised by a new split between liberal multiculturalists and anti-essentialists, both responding to the attempt to capture the reality of 'multiple intersecting differences' (p. 180), but omitting in their analysis the original concern with redistribution.

Fraser's solution to the recognition–redistribution dilemma is interesting, if over-schematic. By distinguishing between affirmative and transformative politics, she points out that it is only in 'affirmative' politics, exemplified by the redistributive and multicultural policies of the liberal welfare state, that the dilemma arises fully, as the existence of social groups is taken for granted and forms the basis for both redistribution and recognition. In fact, as is now widely recognised, the very politics of recognition lead to a backlash of resentment against what is seen as unfair advantage. In transformative politics, by contrast, the deep structure of differentiation of social groups is transformed and the dilemma thus sidestepped. Transformative economic politics, such as socialist politics, are aimed at the abolition of class differentiation, whilst its equivalent in the cultural sphere, deconstruction, aims at destabilising and reconstructing existing cultural differences. Fraser thus concludes that 'the scenario that best finesses the redistribution–recognition dilemma is socialism in the economy plus deconstruction in the culture' (p. 31). Postsocialist politics, then, can be summed up in a neat formula which combines the best of socialist politics with the best of postmodern cultural critique and politics.

I find Fraser's solution both attractive and too glib. Her ability to synthesise what are mostly seen as incompatible theoretical and political positions and commitments is admirable and the results are certainly worth close study. But her solutions are bought at the price of neat distinctions which gloss over a much more messy and intractable terrain. Two points come to mind. The first is her characterisation of the two 'logics' of redistributive and recognition politics. It is not clear exactly what is meant by her formulation that redistribution is meant to put groups 'out of business' (pp. 18, 20, 22). Certainly the original Marxist and socialist idea was not to put the proletariat 'out of business', but to *universalisè* its activity under new conditions, as a class of free producers who together own the means of production. Similarly, the idea of the abolition of the sexual division of labour was not to 'put the class of women out of business'—whatever this might mean!—but to *universalise* the distribution of gendered forms of work such as unpaid care and housework, thereby, of course, 'de-gendering' them. In both cases, though,

part of the argument for redistribution was the recognition of the very value of work as the most important part of human nature (in Marxism and socialism) or care as an integral part of human life (in care theory).

Arguments for redistribution and recognition, then, are not so neatly separate, nor always opposed, as Fraser makes them out to be. In fact, they are often combined: most care theorists, for example, combine their call for the revaluation of care with an argument for universalising its distribution to both women and men. Now Fraser might respond that the very possibility of combining redistribution with recognition is evidence of a transformative theoretical and political framework, and so that this only proves her point. However, she introduces the two logics as applying generally and as generally opposed, where it seems, by contrast, as if they are only incompatible in a static context where recognition and redistribution are thought of and practised separately rather than combined.

Moreover, and secondly, her classification of theories and politics into these two categories renders her characterisation of certain kinds of theory and politics misleading. Socialist thought was never exclusively about political economy, even if it was influenced by the economic reductionism characteristic of Marxism. In fact, even some Marxists spent much of their time arguing for the need for cultural transformation, as Alexandra Kollontai did in her call for the realisation of 'winged eros' and comradely friendship between men and women. Similarly, many feminist care theorists are misdescribed as cultural difference theorists (pp. 176–7), as they are explicitly arguing for the redistribution and not just the revaluation of care, as well as recognising the link between the two: a redistributive policy might lead to actual revaluation and vice versa.

However, I do think that engagement with Fraser's thought is rewarding, as it illuminates some of the features of a messy and uncertain terrain by putting them into sharp relief. In addition, her work is interesting in its wide coverage of themes and thinkers. Her chapters contain extended analyses of Carole Pateman's *Sexual Contract*, Iris Young's *Justice and the Politics of Difference*, Judith Butler, Julia Kristeva, and Lacanian feminism. Her discussion in other chapters spans gender equality in social

policy models, a genealogy of the conception of 'dependency' (co-authored with Linda Gordon), the ubiquitous Anita Hill/Clarence Thomas analysis, and an argument for a more radical, diversified conception of the Habermasian idea of the public sphere. It is this wide range, as well as her ability to integrate seemingly disparate arguments and theoretical approaches, that makes Fraser interesting and at the leading edge of social and political theory. My criticisms notwithstanding, I can recommend Nancy Fraser as a rewarding read for anybody interested in bold and visionary thought.

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Hatreds: Racialized and Sexualized Conflicts in the 21st Century

Zillah Eisentein, Routledge 1996
h/b £50 0 415 91220 2, p/b £14.99 0 415 91221 0

In her latest book, the well-known American feminist theorist and activist Zillah Eisenstein draws on a large body of material from black, postcolonial and diasporic feminisms to give us a 'state of the world' reflection on the persistence of racialised and sexualised divisions in the age of 'globalization'. She engages with work from other theorists of race, nation and colonialism, with US media coverage of recent events such as the Gulf War, Anita Hill, O. J. Simpson and the various 'women troubles' of the Clinton administration, and with material from her own travels to the former Yugoslavia. Much of this material will be familiar to anyone who has worked in these areas, and so my difficulties with this book come not from the newness of the subject matter, but from a personal resistance to the kind of broad-brush approach she adopts, travelling with great facility over vast geographical and textual territory in one hundred and seventy pages.

Eisenstein organises her book around six themes. Four of these are explored in Part I, 'DomiNATION/ SubordiNATION', where she discusses the ways in which 'otherness' is constructed on the body; the ways in which racialised and sexualised bodies are put into play to produce national identities; contestations over the politics of multi-culturalism in the age of global corporatism; the tensions between economic globalisation and the per-

sistence of borders at the level of race, ethnicity, religion, sexuality, etc. In Part II, 'Beyond Nations', Eisenstein looks first at the form 'Feminism of the North and West' has taken in contemporary global politics, and then at the challenges facing and represented by 'Feminisms of the Global South and East'. For readers new to these themes, Eisenstein offers an impressive synthesis of a rich body of scholarship and introduces a number of important insights about the intersections of sex/gender with race, nation and ethnicity. What emerges strongly is the complex ways in which women's bodies repeatedly become the site on which the borders of national and racialised identities are defined. Perhaps most importantly for her white Western readers, Eisenstein is insistent that this is not just something that happens to 'other' women, but that notions of whiteness, and of Western national identities such as that of the US, are also constituted through these processes.

What is lost for me in this wide-ranging discussion, however, is sufficient attention to the complexity of women's situations in different contexts. Eisenstein brings together so many different times and spaces: contemporary American politics; the conflicts in the former Yugoslavia; post-Cold War Eastern Europe; Nazi Germany; post-apartheid South Africa; colonial and contemporary Algeria; colonial and postcolonial India; contemporary Rwanda. To be fair, Eisenstein has some very good discussions of the variability of women's situations in different contexts, for example, Muslim women and the multiple meanings of the veil; the shifting meanings of private/public, rights and equality discourse in post-Communist societies. She also quite rightly argues against *only* looking for the differences between women and resisting the points of connection. Yet, if I am convinced that these connections exist, it is more because of reading some of the original, specifically-located and contextualised scholarship that Eisenstein draws on, than because of the number of examples she cites briefly in order to illustrate her points.

What is also lost is any sense of the variety of theoretical approaches at work, and the dynamic debates within all kinds of feminisms, on how to understand the complexities of women's situations in relation to racialised and national identities. One result of this is a perhaps unbalanced picture of the state of fem-

inist thinking on these issues, in which nationalism, racism, ethnic conflict and hatred are always characterised as things which happen *to* women, constructed *on* women's bodies from the outside, through processes in which women are *always* silenced and made to disappear. The ways in which particular groups of women might also be vocally, visibly and actively productive of national, racial or other differences is not really considered, yet this is very much a focus of debate within feminisms.

The overall picture that Eisenstein leaves us with is one that seems very contestable to me. It is possibly risky for her as a white American feminist to claim that women (as a whole) are more or less innocent victims of nationalism and racism; that nationalism is a masculine enterprise; that women are pretty much immune to extreme nationalism; and that, because of all this, women's strategy can and should be to 'refuse nations and stand instead as communities of sisters' (p. 15). Yet to me it seems important for white Western feminists to recognise that feminism cannot get, to use Eisenstein's term, 'beyond' nations or races without also working through our own active implication in them. And while 'refusing the nation' imagined in masculinist, racialised and exclusionary terms is undoubtedly an important strategy for many feminisms, we should not dismiss other feminist strategies that refuse to concede the terrain of 'the nation' to others, and instead explore the possibilities of feminist redefinitions of its terms and content.

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The New Contractualism?

Glyn Davis, Barbara Sullivan and Anna Yeatman (eds), Centre for Australian Public Sector Management, Melbourne, Macmillan Education Australia Pty 1997
0 7329 4442 2 (only published in Australia)

This volume is the result of a seminar on the 'contract state' held at Griffith University in 1995, attended by lawyers, philosophers and public policy analysts principally from Australia and New Zealand, where a sustained experiment in the extension of contract to social provision has been conducted. Although this specific history might seem to limit the book's interest to UK

readers, we should recall that in some respects this country has gone further down the 'contract' road under Labour than under the Tories. The White Paper on the National Health Service, while formally abandoning the provider–purchaser split which underpins contracting for health care, will extend group contracting arrangements for general practitioners. The welfare-to-work schemes which took pride of place in the last budget also fall into the individualised 'contract' mode of social provision. So, although most of the present review will centre on the first part of the book, which scrutinises the theoretical basis of the 'new contractualism', the accounts in the second part of this book concerning the New Zealand experience should interest us too.

There is nothing very new about the social contract in political theory, of course, but the 'new contractualism' is not entirely synonymous with the social contract. Anna Yeatman defines the new contractualism in terms of four features: (1) Political obligation is said to rest on individual consent and choice; (2) Consent must be 'informed', resting on open disclosure of relevant information; (3) Both parties may negotiate the terms of the contract; (4) When these conditions are satisfied, both parties are bound by the contract. Feminists from Anna Wheeler to Carole Patemen have been sceptical of how well women are served by contract, especially the so-called marriage contract. Their distrust has centred on the supposition that the first three conditions—particularly condition (3)—have not been available to women, although they have been inferred from the fact of condition (4). Women have certainly been bound by the conditions of the 'marriage contract', and its mere existence has been wrongly held to prove that conditions (1)–(3) must have obtained.

In *The Sexual Contract* (1988), Pateman took the argument further, to the social contract itself, claiming it rests on a prior 'sexual contract' by which men determine who shall be free to consent to the formation of the polity. In Pateman's influential and important formulation, the social contract is for men a story of freedom while for women it is one of subjection. The move to contract brings progress to men, while women are not in a position to contract freely. Yet their consent to be ruled by men in the home and in the polity is inferred from the fictitious mar-

riage and social contracts. As Anna Yeatman puts it in her essay 'Contract, Status and Personhood': 'To be a contractual person is to be socially positioned as one who enjoys a particular standing or status as an individual who is sufficiently autonomous as to be regarded as contractually capable'.

There are two problems with this line of argument, which dominates the more theoretical chapters of this book. First, it concentrates too exclusively on the liberal view of contract. The notion of the contracting person as socially positioned is also central to Hegel, who regards contract as the first element in the mutual recognition of others' subjectivity. Although there are reasons why women are not fully 'at home' in the Hegelian world, contract is not the culprit; it is rather the failure to extend contract as emblematic of modernity to women in their ancestral domesticity. But a modified Hegelian view of contract and property, such as I attempt to reconstruct in my recent book *Property, Women and Politics* (Polity 1997), may be developmental and liberating to female subjectivity and male recognition of it.

The second problem with the argument about contract as hostile to women is related to the first. Although in her essay 'Contract, Status and Personhood', Yeatman argues against liberal theorists who fail to recognise how the parties to a contract are socially positioned, she is, ironically, susceptible to ahistorical essentialism. What is wrong with the sexual contract, and its expression in marriage, is not that it is a contract, but the fact it is sexual. Critics like Pateman and Marcia Neave, in her chapter on women and domestic contracts, tend to confuse the historical circumstances which prevailed at the time liberalism got under way—specifically the massively inegalitarian doctrine of coverture in marriage—with the essence of contract itself. This is to associate contract with a particularly vicious regime for women—but the connection is only contingent, not necessary.

Other feminists, such as Lenore Weitzman and to some extent Carol Rose, have instead argued that a restructured marriage contract could actually benefit women. Neave is comprehensively sceptical about that, and she gives some good practical instances of situations in which a contract would merely lock in inequality of bargaining power. These examples are thought-provoking and troubling, but they fail to take into account the pos-

sibility of default mechanisms which favour women, and which would kick in automatically on divorce. Michael Trebilcock, in *The Limits of Freedom of Contract* (Harvard 1993), proposes an automatic default which assures women more property entitlements than the common law now permits; if couples do not wish to write a contract, the default obtains on divorce. Nor can couples write a contract which would give the wife a worse position than that which would obtain under the default conditions. Trebilcock's stratagem recognises that what is at fault is not the mechanism of contract itself, nor even the application of contract to 'inapplicable' areas such as family law, but the use of contract to ratify rather than remedy the unequal entitlements of men and women.

Overall, this is a well-structured and highly relevant volume which sets contract in its rightful place. As Geoffrey Brennan notes in his chapter, contract is actually a subsidiary notion in economics; exchange is the central thing. Oddly, the most effective thing which this book should do for most readers is to make the very notion of contract less powerfully abhorrent.

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