

2008 Expert Roundtable on Canada's Experience with Pluralism

## Recognizing Difference/Achieving Equality: Multiculturalism and Gender Justice

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The debate over cultural diversity and sexual equality in Canada emerged at the same time as the theory and practice of 'multicultural' or differentiated citizenship developed. Political theorists and actors, led by several individuals in Canada, suggested individual rights and equality were insufficient responses to cultural diversity. Citizenship theory and practice also needed to recognize and embrace 'difference'. In 1971, Pierre Trudeau introduced the idea of 'multiculturalism' – through his Multiculturalism Policy within a Bilingual Framework – in the House of Commons. The impetus for this policy came largely from white 'ethnic minorities' (most particularly Ukrainian Canadians) concerned that they and other non-British and non-French minorities might lose out if Canada were to be seen as 'bicultural'. The policy has evolved considerably since this time.

The original policy – the first in the world to try and accommodate multicultural difference – was designed to promote both national unity (through a bilingual framework) and the rights of ethnic minorities (through multiculturalism). From the beginning, there was a sense that Canada would flourish only to the extent that its many immigrant cultures flourished alongside the two majority cultures. The state, the policy contended, had a role in supporting and encouraging this multiplicity. At the time, Trudeau stated: "the government will support and encourage the various cultures that give structure and vitality to our country."

This policy of protecting and preserving the multicultural heritage of Canada became part of Canada's Constitution in 1982 through Sec. 27 of the *Charter of Rights and Freedoms*. It is important to recognize that Canadian multiculturalism policy from its inception was directed at Canadian citizens rather than foreigners, as is the case in other countries (e.g. Germany). Within the decade (1988) the Conservative Party under Brian Mulroney

introduced the *Official Multiculturalism Act* that enunciated an evolving and expanded meaning of multiculturalism. The enormous rise in immigration in Canada from South and East Asia, as well as the Caribbean during this period caused multiculturalism to take on a new face in which the funding and financing of ‘anti-racism’ groups under the rubric of multiculturalism was implemented as well as policies that sought to help ‘newcomers’ arrive, settle and integrate into the Canadian culture, with the help and support of their own cultural communities.

It is clear from research that Canadian sociologist Irene Bloemraad (2006) has done that this particular mixture of policies (funding for ethnic groups, funding for anti-racist groups and funding for immigrant groups) in Canada led to very different outcomes for Canadian naturalization patterns than in the U.S. Essentially, Bloemraad makes the case that Canadian multiculturalism policy has led to a situation where immigrants to Canada were twice as likely as immigrants to the U.S. to choose to become naturalized citizens. She argues that because newcomers feel they are able to retain their own culture within Canadian citizenship, they therefore find naturalization less threatening. Secondly and more importantly, multicultural policy in Canada provides the means by which various ethnic groups can teach newcomers about citizenship in a culturally sensitive and supportive way.

Within the decade after the passage of the *Multiculturalism Act*, political philosophers Will Kymlicka (1995) and Charles Taylor (1994) developed distinctive theories that championed the idea of ‘differentiated citizenship’ which went well beyond Trudeau’s and Mulroney’s classical liberal vision. It is clear, however, given the emphasis on ‘national minorities’ in both theories and more particularly the fate of Quebec that the issue of national unity is still very much at the forefront of these two theorists’ concerns with respect to multiculturalism. At the heart of their arguments is the view that individual liberties and same treatment are not enough – indeed, if implemented without due consideration to cultural values, classical liberalism can actually do great harm to members of certain cultural-minority groups. The classic example often used in the Canadian context is of the Sikh RCMP officer who argued that the requirement that all RCMP officers must wear the traditional Stetson cowboy hat violated his religious freedom and cultural rights since he wore a turban. In other words, to treat everyone the same without due recognition of the cultural and religious differences harms individuals within that minority group.

Kymlicka and Taylor argue that contrary to classical liberal theory that sees the state as neutral, the Canadian state necessarily reflects the dominant culture (in both important and trivial ways from the values it endorses through its constitutional documents to what ‘national’ holidays are celebrated). In some sense, embracing multiculturalism as an element of pluralism means seeing society not so much as governed by a universal culture shared by all as a society of a majority culture living alongside minority cultures in which there is always a threat that the former may extinguish or assimilate the latter. Thus, both Kymlicka and Taylor argue that it is important that minority cultures are recognized, preserved and protected.

For Kymlicka, this is necessary to make the notion of ‘freedom’ or ‘autonomy’ meaningful in liberal theory and practice; for Taylor, such recognition is an important dimension of the dialogical nature of human existence. Thus, where Kymlicka pushes for a series of group rights, differentiated in accordance with different kinds of cultural minorities (self-government for national minorities and poly-ethnic rights for ethnocultural minorities), Taylor argues for a deeper kind of dialogue between citizens – a politics of recognition by which dominant cultures come to recognize difference for what it is. Ultimately, however both thinkers believe that such cultural recognition and protection can only occur alongside a ‘basket of basic rights’ in Taylor’s language or ‘liberal individual rights’ for Kymlicka. They both assume, without addressing it at any great length, that women’s rights and gay/lesbian rights should be preserved (two dimensions of the ‘gender’ issue) even as cultural and religious minorities are protected. As it turns out, reconciling these different claims within either a ‘recognition’ or ‘rights’ framework is more problematic than it may seem by just asserting an underlying ‘basket of rights’ for these two groups.

### **The second stage: the universalist feminist challenge**

It did not take long for this new paradigm of multicultural citizenship to be challenged. Most critics re-asserted the need for some kind of ‘universal’ culture or set of values, shared by all citizens, in opposition to this differentiated model. For scholars on the left, like Todd Gitlin (1995), Richard Rorty (1999) and others, there was a concern that the focus on ‘recognition’ and a new ‘cultural left’ undercut the solidarity required to bring about economic justice through greater ‘redistribution’ in society. There was the also the loss of ‘solidarity’ or ‘fraternity’ as it was once called, meaning that various marginalized groups in society that would be better off working together to change the status quo around a shared agenda or set of values, found themselves divided by cultural identification and a de-emphasis on ‘equality’ as ‘difference’ becomes dominant. This particular argument has been taken up by Trevor Phillips, chair of the Commission for Racial Equality in the U.K., who has famously argued that multiculturalism has separated and divided racial minorities and undercut their claims to both equality and solidarity. Liberal critics like Brian Barry also worried about the implications for individual rights as political theory takes a turn away from individual autonomy and liberty towards group rights.

Amongst these many critiques of multiculturalism that appeal to a universal set of values or culture, was the feminist challenge, represented most clearly in the works of Susan Okin (1999, 2000) and Martha Nussbaum (1999). Okin famously wrote an essay entitled ‘Is Multiculturalism Bad for Women?’ – a question that she cautiously answers in the affirmative. Her argument presents the problem as a dilemma between the right to sexual equality on the one hand and the right to cultural or religious accommodation on the other. According to Okin’s analysis, there have been many instances where the protection of cultural group rights comes only at the expense of the women within that minority group. Thus, she reasserts not only the need to protect and preserve the ‘rights’ of women, particularly in the case of cultural minorities, but equally the universal principle of ‘equality’. Martha Nussbaum’s analysis is more global but, like Okin, expresses her fears

over the ‘relativist’ and ‘anti-universalist’ commitments in multiculturalism and difference feminism. Moreover, she argues that the only “universalism that has a chance to be persuasive in the modern world must...be a form of political liberalism.” (1999:9) Nussbaum sees cultural traditions as often “obstacles...to women’s flourishing” and emphasizes instead the need to universalize all women’s experiences in terms of fundamental capabilities (rather than rights).

As important as this feminist critique was for bringing needed attention to the gender/sexual dimensions of the multiculturalism argument, it became apparent very quickly that there were serious flaws in the manner in which the debate had been framed. Firstly, both Okin and Nussbaum seem to attach ‘culture’ and ‘cultural traditions’ largely to minority cultures, leaving the majority culture as the background against which those with ‘culture’ should be examined. Secondly, in both cases, culture was seen almost entirely as negative, as an obstacle to women’s self-realization rather than an important source of identity and meaning for women. Okin’s argument, it has been said, forces women to choose between ‘your culture and your rights’. Thirdly, there was an underlying assumption that minority women lacked agency and needed in some sense to be ‘saved’ from themselves by the more ‘universalist’ western white feminists. Finally, these feminists shared with the multiculturalists a definition of culture, particularly within minority cultures, of a bounded and unchanging set of values and traditions rather than an ever evolving, contested, hybrid set of processes.

### **The third stage: the insights of feminist multiculturalism**

In response to these critiques, there has been a new generation of scholars, within which I would align myself, that is sympathetic to both feminism and multiculturalism, including Canadians such as Ayalet Shachar (2001), Avigail Eisenberg (2003), Monique Deveaux (2000, 2006), Rita Dhamoon (2006) and Melissa Williams (1995, 1998); and international scholars such as Iris Young (2000), Seyla Benhabib (2002), Chandra Mohanty (2003), bell hooks (1981, 2000), Uma Narayan (1998) Bonnie Honig (1997, 2003), Anne Phillips (2007) and Nancy Fraser (1997). These scholars have sought, in different ways and through different mechanisms, to recast the terms of the debate and/or develop theories regarding how such conflicts are to be resolved without seeing ‘gender’ and ‘culture’ as an either/or choice. Thus, feminist multiculturalism has tried to move the debate away from a dichotomous world view in which ‘culture’ is set in opposition to ‘sexual equality’ (bifurcated static wholes) and towards a vision of politics constructed by overlapping and constantly evolving multiplicities. Within this general paradigmatic shift, I would like to outline what I see as their key insights:

### **The continuing importance of multiculturalism**

Feminism must integrate rather than reject multiculturalism – contrary to the views of feminists such as Okin. The feminist multiculturalist generally believes that feminism that

takes seriously the differences amongst women must embrace multiculturalism in order to recognize and valorize difference.

Canada represents a model for the world in its commitment to multiculturalism. Contrary to many of its European critics' contentions, Banting, Johnston, Kymlicka and Soroka (2006) have shown Canadian multiculturalism is consistent with the provision of public goods (the social welfare state) and has created double the rate of naturalization amongst immigrants as America (Irene Bloomraad 2006). Canadian multiculturalism is also an important counterfoil to the rise of alternative theoretical paradigms of the last ten years such as 'social capital' in the US and 'social cohesion' in Europe. The currently popular 'social capital' theory proposed by Robert Putnam (2000) and adopted in various forms by George Bush, Tony Blair, the OECD and the World Bank, as I have argued in my book *Diverse Communities* (2006), tends toward homogenization and the transcendence of difference. The idea of 'social cohesion' in Europe has come to represent both a challenge to neoliberalism but also, increasingly, a skepticism towards immigration as a threat to societal 'cohesion.'

Multiculturalism is on the defensive in many parts of the industrialized world. Christian Joppke (2004) has shown the degree to which multiculturalism has been 'in retreat' in liberal states such as Australia, the Netherlands and Britain. If you couple that with the tendency in republican states such as France and the United States to emphasize 'social unity' or cohesion at the expense of 'difference', it is very important that the Canadian experiment of multiculturalism continue to be one that holds out an alternative model for the world. There are, however, several ways in which multiculturalism is limited and needs to be rethought, particularly if it is to take seriously both 'gender' and other dimensions of human difference and identity in political theory and practice.

## **Rethinking the meaning of culture**

### ***Culture as bounded vs. bounded entity***

Multiculturalism tends to see culture as discrete and bounded identities inherently in conflict with each other, and that want to preserve and protect their cultural differences from the forces of assimilation or integration. There is a certain kind of bounded and conservative aspect to seeing culture this way, which is partly what feminists are reacting to in their critiques. Thus, feminist multiculturalists have argued that it is necessary to look outside political theory to other disciplines to find insights into a more pluralized, contested and fluid concept of 'culture.'

Anthropologists David Scott (2003), Clifford Geertz (1973) and political theorist Jim Tully (1995) have raised questions about this 'billiard balls' notion of culture – to argue that cultural identity should be seen as fluid, hybrid and contested terrain. 'Culture' in Rita Dhamoon's analysis is seen more as a 'process' of meaning-making rather than a 'thing'

that is given to us. As Geertz comments, “The concept of culture I espouse is essentially a semiotic one.”

Cultural studies post-colonialism provide a third definition of ‘culture’ that seeks to incorporate various cultural markers described above (colour, sexual orientation, disability) and colonialism into an understanding of ‘national culture’ and politics. At the heart of these theories is not only the idea that ‘culture’ is multiple but most importantly, that it is constructed by power relations. Stuart Hall (1996), Edward Said (1978) and Homi Bhabha (1994) all centre their analyses of culture in ‘power’ of the state and beyond. Stuart Hall comments: “A national culture has never been simply a point of allegiance, bonding or symbolic identification. It is also a structure of cultural power.”

Feminist multiculturalists such as Anne Phillips (2007), Susan Song (2007) and Barbara Arneil (2007) use these insights from cultural studies and anthropology to argue that culture is not as ‘solid’ or deterministic as it appears in multicultural theory and practice, but is rather a process of meaning-making in which identities are constructed through a variety of intersecting cultural elements – gender is a critical element within this construction of identity.

Political theory and public policy have much to learn from the disciplines of anthropology and cultural studies, as well as from recent feminist theory about the fluid, hybrid and contested nature of ‘cultural’ identities. Thus the goal of multicultural theory, to preserve and protect cultural minorities, needs to be complemented by a new conception of culture that is unbounded, fluid and constantly evolving.

### ***Scope of culture***

Multiculturalism, as reflected in both the official policy and theories described above, has largely meant differences with respect to ethnicity and/or nationality. Some feminist multiculturalists (Arneil, 2007; Dharmoon, 2006) argue that the term ‘cultural’ should go beyond ethnicity/nationality to include other kinds of cultural differences such as sexual orientation and disability. This broader definition of ‘culture’ is rooted in ‘cultural studies’. The focus on ethno-national differences has arisen in Canada largely because ethno-national groups are most likely to threaten the state and national unity. However, if one seeks to fully understand the pluralistic nature of society and how justice claims may intersect with each other, ‘culture’ should be broadened to include other cultural identities.

*Sexual orientation:* Negotiating conflicts between sexual equality and cultural protections is made more complicated by the inclusion of ‘sexual orientation’ in the understanding of ‘cultural minority.’ In some sense, sexual orientation makes the politics of ‘gender’ much more intimate – it is the family itself that may reject queer members. Sexual orientation also intersects in important ways with particular religious and cultural beliefs. Attempting to balance these different claims is an important aspect of pluralism. I would argue that Canada’s recognition of the right for gays and lesbians to marry while simultaneously

protecting the right of religious institutions to decide on whom they will marry is an appropriate balance between freedom of religious practice and recognition of gay and lesbian rights. But queer theory suggests correctly that it is likely necessary to go beyond 'same treatment' to think about 'queer citizenship' in relation to multiculturalism.

*Disability*: as disability moves away from a medicalized notion of bodily or mental limitations and towards a socially constructed understanding of the interrelationship between the environment and specific bodies and minds it creates a cultural rather than biological meaning to disability. Moreover, liberal theory from Kant and Hume to Rawls and Taylor tends to exclude 'disabled persons' from the principles of justice, personhood and citizenship on the basis that their physical and mental limitations make them something less than free and equal beings. Canada has been at the forefront globally of promoting the principle of 'disability' as a social construction that would be best approached through the paradigm of 'independent living'. I have argued in a recent article (Arneil, 2009) that a modified ethic of care anchored in the notion of 'interdependent living' would more fully include disabled persons in democratic theory and practice.

*'Race'*: Although official multicultural policy sought to support anti-racist groups, there is an under-theorization of 'race' and racism within multicultural theory. Some critics of multiculturalism such as Rita Dhamoon have argued that for women of colour, the open debate about 'race' and 'racism' that exists in the United States tends to be obfuscated by an official commitment to multiculturalism within Canada. Little distinction is made in multicultural theory between cultural minorities who are 'white' and those of colour, yet it is the latter that deal with the fallout of racialization and racism, often intersecting with colonialism to the extent that many of the immigrants who have come to Canada are from nations that were historically colonized by Britain (Caribbean, India, Hong Kong) and the indigenous peoples experience their own form of racism. This may be one of the limitations of Canadian multiculturalism – one can hardly imagine a speech like the one given by Barack Obama in the lead-up to the 2008 election on the subject of race in America ever being given in Canada by somebody running for the top office in the country.

Multiculturalism does not include indigenous peoples, since they reject the idea that they are a cultural minority or even a 'national minority'. By and large, their view is that they are 'peoples' or 'nations' that pre-existed the formation of Canada and are not bound therefore by the sovereignty of Canada or the political theories of various 'western' philosophers, but rather by the treaties negotiated between their ancestors and the Crown.

Culture must be expanded to include disability and sexual orientation. At the same time, multiculturalism does not fully address the issue of 'racism' or 'racialization'. A separate theoretical analysis is needed with respect to indigenous peoples.

## **Rethinking sexual equality**

While it has been assumed that equality is the goal of ‘women’ and more specifically feminists, this term (like culture) has been problematised and the issue of whether it is indeed the goal of *all* women equally has been challenged. The 1995 Beijing Conference on Women made ‘gender equality’ the central plank of the international agreement and ‘plan of action.’ But it was clear during negotiations that various women’s groups took very different views on whether or not ‘equality’ was the goal, particularly if it meant ‘same treatment’. Three issues are worth highlighting.

It is necessary to recognize differences between ‘men’ and ‘women’ rather than assume universality of equality or ‘same treatment’ - this argument has been made by ‘difference feminists’ like Carol Gilligan (1993) who suggest that the goal should not be equality, meaning treat women the same as ‘men’ - which tends to push women towards the dominant paradigm of masculinity. It is more important to ensure that differences between men and women are recognized and valued. There is an extraordinarily important theoretical insight that develops out of Gilligan’s work - an ‘ethic of care’ which exists in contradistinction to the abstract liberal notion of justice and ‘rights.’ An ethic-of-care approach to pluralism would suggest that one should not apply abstract individual ‘rights’ or a principle like ‘autonomy’ to moral or political problems but rather the particular relations between individuals, and the contextual and historical dimensions of any given issue must be at the forefront of one’s analysis.

Gender has multiple meanings. It is necessary therefore to recognize differences between ‘women.’ The words ‘women’ and ‘gender’, as well as the term ‘equality’ (understood as same treatment), tend to erase the differences between women as well as the possibility that for some groups of women ‘equality,’ particularly gender equality, may not be their first priority. One specific Canadian example is the 1999 Aboriginal Roundtable on Gender Equality organized by Status of Women Canada. Indigenous women were asked to comment on the degree to which Canada had fulfilled its obligations under the Beijing Plan of Action to implement ‘gender equality’. Most indigenous women represented there said that this term of equality did not have much meaning for them and their continuing concern was the issue of colonialism and racism, as indigenous women. Thus, broadly, third-wave feminism has argued that the recognition of the differences between women is important and to the degree to which ‘equality’ tends to erase these differences, it may not serve the interests of minority women in particular.

## **Gender justice**

Feminist multiculturalists agree with Okin that multiculturalism does not adequately address issues related to gender. The goal of feminism in relation to multicultural political theory and practice is better expressed as ‘gender justice’ rather than sexual equality – i.e. interrogating and trying to fix what creates injustice with respect to the relations between both men and women, and sexual minorities and majorities. In some cases, the injustice

may be resolved through a traditional appeal to equality; for example same-sex marriage should be allowed on the basis of equal rights to heterosexual couples, or women should have the equal right to participate in politics. In other cases, however, the claims of justice for various women or sexual minorities may be better expressed in terms of anti-colonialism or recognition and valorization of difference. Gender is still central, however, and it is clear that globally as well as locally, the exclusion of women, the continuing need to protect and preserve the bodily integrity of women (reproductive rights, violence, sexual harassment) and the disproportionate burden often placed on women to do the work least valued in society continue to be sources of injustice.

Feminist multiculturalism is multifaceted in its approach to gender justice, but two important theoretical insights that dovetail in important ways with cultural justice are the 'ethic of care' described above and a critical analysis of the 'public/private duality'. The development of ethic-of-care arguments by scholars such as Joan Tronto (1993) and Olena Hankivsky with respect to globalization; Martha Nussbaum and (2006), Eva Kittay (2005) with respect to disability; Fiona MacDonald (2010) with respect to indigenous cultures; and Sawitri Saharso (2003) and Catriona Mackenzie (2007) with respect to multiculturalism, are rooted in the notion that 'autonomy,' as commonly understood in liberal theory, is problematic for both women and various cultural minorities. They suggest that ethical personhood is rooted in the capacity to care and be cared for, and that both political and ethical theory must therefore be rooted in the particular relationships that exist between people. Moreover, as Jane Jenson (2001, 2008) and Paul Kershaw (2005) have argued, the labour of 'care' and 'caregiving' needs to be recognized in relation to citizenship. Similarly, contemporary feminist analysis that seeks to rethink the traditional liberal divide between the public and private spheres has challenged the notion that the family, female bodies and sexuality are somehow 'outside' of the political sphere. By challenging this divide, feminists are able to continue to make 'the personal the political'. Patriarchy within the family, including domestic violence, reproduction, queer sexualities and body image are all political, meaning they are subject to the larger power relations in society.

Many feminists have argued that one of the key challenges for feminism in the 21<sup>st</sup> century is the rise of the neoliberal state and globalized economics. Nancy Fraser has argued that multiculturalism and the politics of recognition is not enough but the issue of 'redistribution' must also be addressed as it disproportionately affects women and certain racial minorities (African Americans in the U.S.; indigenous peoples in Canada). Sylvia Bashevkin and Jane Jenson have critiqued the neoliberal state for the impacts on women within Canada. Yasmeen Abu-Labeen (2002) and Abigail Bakan and Daiva Stasiulis (1997) have analyzed how economic globalization intersects with gender, race and culture in important ways with respect to foreign domestic labour within Canada. What all of these scholars are pointing to is the importance of the economic dimension of the globalized market in the lives of women.

As Okin originally argued, multiculturalism must take 'gender' more seriously. However, unlike Okin, we need to think in terms of 'gender justice' rather than sexual equality – this

broadens the meaning of what it is that women and/or sexual minorities are seeking, and to define their own goals and take seriously the differences between women. Gender, like culture, is fluid, hybrid and contested in various ways. If indigenous women seek to address the issue of colonialism as more critical to their lives than 'inequality' with indigenous (or other) men, this expanded vocabulary allows them to do so. 'Same treatment' or even 'equal rights' may be powerful tools but carry with them considerable western cultural baggage and therefore cannot be a universal goal for all. At the same time, interrogating the construction of gender and its relation to power must remain central to political theory and practice. Three important insights that intersect in interesting ways with multicultural analysis are an ethic of care, the public/private divide and the politics of redistribution in the face of the neoliberal state and globalized economies.

### **Mechanisms by which conflicts should be resolved**

If both 'gender' and 'culture' are not static, bounded entities but fluid, multiple and contested processes, then the key issue for feminist-multiculturalist scholarship is what are the best methods or mechanisms for resolving the various moral and political claims being made with respect to cultural and gender justice?

#### ***Reform existing political institutions***

The problem with legislative bodies as they exist is threefold:

- Majority rule – difficult to see how minorities can come out ahead in an institution that favors the majority.
- Legislatures are historically deeply unrepresentative of the very groups that are seeking resolution, i.e. women and cultural minorities.
- Institutions are not culturally neutral and have embedded within them all kinds of values and premises of the dominant cultural group.

Iris Young (2000) argued that what is needed in existing institutions is to ensure that under-represented groups are provided with special representation rights which will allow, in her view, greater democracy and justice in decision-making – this seems to be particularly true when you are talking about cultural protections and gender justice. There are around the globe various examples of countries seeking to increase the representation of under-represented groups through specific institutional mechanisms.

Canada is not the country to use as model in this regard, since it has virtually no mechanisms at the parliamentary or legislative level to increase representation (although there are some party mechanisms). And at the federal, provincial and municipal levels, women hold only 21 percent of the available seats (a figure that has remained constant for the last five federal elections). UNIFEM has argued, correctly, that it is necessary, in the case of women, to ensure a critical mass, and therefore seek to increase the representation of women in all legislative bodies globally to 33 percent.

### *The courts, judiciary and tribunals*

Some argue that the courts are extremely useful tools in speaking to these conflicts since, unlike political institutions that tend to side with the majority, they can speak forcefully for minority rights. For indigenous groups, the court has been a forum within which to argue for treaty rights. The courts have also been, since Canada's Charter of Rights was implemented, a friend to various minority groups. Sexual minorities have argued for the right to marry and other equality rights. However, as some queer theorists point out, the court tends to be limited to arguments in favour of same treatment.

Ayelet Schachar (2001) argues that there can also be distinctions between different kinds of law and the jurisdiction that they are decided under; for example, allowing family matters to be decided by religious arbitration (as long as parties can always revert to the state courts).

### *Deliberative democracy*

For feminist multiculturalists (Monique Deveaux, Susan Song, Seyla Benhabib) probably the greatest preference for resolving dilemmas would be through some form of deliberative democracy. Rather than leaving it up to elected representatives in legislative bodies or judges in courts, many suggest that the solutions might be best worked out through a continually evolving process of deliberation by groups of citizens. There is a sense in which such deliberations are more democratic than the first two possibilities but also that they will allow for greater flexibility with respect to the scope of culture, and the fluidity of its meaning and how it intersects with gender. Both courts and institutions tend to depend on precedent, and constructing communities in discrete categories that need to be preserved and protected rather than changed.

Monique Deveaux (2007) provides a fascinating contemporary example in the deliberation over customary law in post-Apartheid South Africa as the new constitution was drafted over how the claims for gender justice as sexual equality versus polygamy were resolved through deliberative forums.

As feminist multiculturalists, these scholars emphasize the need to ensure women's voices are present and heard by the men within these deliberative spaces. It may also be necessary to allow women or a sub-group of women to come together and deliberate on their own first. 'Gender justice' also implies that sexual minorities are present and their voices are heard as well. This rule applies to other 'minorities within minorities' – the unequal power relations within groups in society need to be addressed in the design of the deliberation.

There are some caveats to the deliberative model:

- Deveaux’s emphasis on the political rather than ‘metaphysical’ nature of these disagreements is useful but may be limited. It is not clear that this emphasis on the ‘political’ nature of the disagreements works for ‘faith communities’ who see their differences as both metaphysical and sacred rather than political.
- Iris Young (1996), Melissa Williams (2000) Seyla Benhabib (2002) and Angie Means (2002) emphasize the need to address inequalities in the broader society and to pluralize the acceptable expressions within deliberative democracy – thus the ‘public reason’ dimension of Habermas’ and Rawls’ formulations do not work well for women or many cultural minorities who wish to describe their concerns through affective stories, poetry, etc.
- The key question is under whose jurisdiction are such deliberations organized? In Canada, the current discussion over matrimonial property and custody within indigenous communities is being organized under the auspices of the Native Women’s Association of Canada rather than ‘Status of Women’ in conjunction with the Department of Indian Affairs and Northern Development. This creates a legitimacy to the discussions, even as it moves it from exclusively under the state’s authority and cuts off some from being part of the conversation (non-indigenous women in this case).
- There are some feminists, Chantal Mouffe (2000) and Bonnie Honig (2001), for instance, who argue that deliberative democracy, particularly to the extent that it requires ‘public reason’ and a coming together (i.e. not just discussion but deliberation and decision-making) continues to have elements of cultural and gender bias. Moreover, their vision of politics is much more ‘agonistic’ meaning that politics will always be by definition the site of contestation; deliberation can never fully resolve differences.

To address the multiplicity of identity claims, and to counter the power relations that currently exist in society that have led to both cultural and gender injustice, various mechanisms can be used. While existing political institutions (representative assemblies) can provide one venue, consideration needs to be given as to how they can be made more democratic than they currently are. The judiciary is an institution that speaks to the concerns of both indigenous peoples and minority groups to the extent that the judiciary can counter majority views in a way that representative assemblies cannot. Finally, the most important theoretical insight of feminist multiculturalists is the move towards greater citizen engagement through deliberative democratic processes or counter-publics.

## **Multiculturalism and faith**

### ***Faith***

Faith is the hardest case for multiculturalism and, in many ways, the most contradictory issue for women and sexual minorities. I have separated it out from other cultural claims because it is a unique case and also because it has, in the last decade, taken on increasing importance in political debates. The key question for the purposes of this workshop is

whether multicultural theory and practice, particularly as it has developed in Canada, can encompass faith? I would argue that it cannot fully accommodate faith claims. I will begin with the profound differences between other ‘cultural’ claims to those of faith communities:

*The sacred:* Faith claims usually involve an appeal to the ‘sacred’ or an authority that exists outside of human relations, so it creates a different kind of claim than a claim based on either ‘race’ or ‘ethnicity’ or ‘gender’.

*Majority versus minority faith:* Unlike cultural claims, which are rooted in minority cultures seeking justice from majority cultures, faith is not necessarily rooted in a ‘minority’ claim – indeed it can be a ‘majority’ claim, such as Christian faith-based claims in the U.S.A. The issue with respect to majority religions is very different and an appeal to religion/state separation can be very important to protect not only minority religious groups but also sexual minorities and women.

*Faith and security:* State support for faith groups also intersects in troubling ways with questions of ‘security.’ While multiculturalism tends to begin with the goal of national unity, such a goal with respect to religious minorities can result in double-edged initiatives on the part of the state.

- Since 9/11, this is particularly true with respect to Muslim minorities. In Canada, this is also true for Sikhs.
- ‘Faith-based initiatives’ in the U.K. are located in the Home Office (which is also responsible for domestic security). Having multiculturalism initiatives and inter-faith ‘dialogue’ housed under the same ministry as domestic security creates significant problems, as Vivien Lowndes has argued. The question in the case of the U.K. is whether the state is seeking ‘dialogue’ with Muslim communities to create better understandings between different faith communities or to ‘keep tabs on’ a particular group for security reasons.

### ***Faith and the public square***

In response to the perceived drawbacks of what has been called by Richard Neuhaus (1996), the ‘naked’ public square (in which liberal or republican secularism has been critiqued for marginalizing faith-based claims and communities in the name of the secular state), both minority and majority faith groups have demanded a larger role within the public realm (and not be limited to the practice of their faith within the private sphere). Under this general rubric, however, it is critical that different dimensions of ‘faith-based initiatives’ be addressed separately. As I hope to show, there are some cases where multiculturalism or pluralism is the right response, in other cases it is not. Again, these issues have particular relevance to women and sexual minorities.

*Faith and schools:* State funding of faith schools became a central concern in the last Ontario election. Partial funding for faith-based schools is already in place in B.C. and other parts of Canada. While it is true that such funding helps to protect and preserve faith

communities consistent with multicultural policy and theory, it also undermines public education by providing subsidized spaces for children to leave the public system. In B.C., any public funding also required the school to teach the provincial curriculum and thus material on multiculturalism, religious tolerance and gender equality is included in what students learn. While multiculturalism or pluralism policy may speak to the important need to protect and preserve cultures, it does not adequately address the broader implications for the public-school system as a whole.

*Faith and social services:* The delivery of social services through faith groups has grown in liberal democracies. Faith groups are seen as less punitive, closer to the local community and more connected than state welfare offices and their staff might be. However, there are some real concerns with this method of social-service delivery, particularly when it involves majority faith groups. Under George Bush's 'faith-based initiatives', first in Texas and then in the White House, churches delivering social services such as counseling for substance abuse, child-care services and housing raised very troubling questions about how minority-faith and sexual-minority members have been treated when they seek state aid for a particular social need. In Texas in particular, the state legislature raised issues over the lack of oversight and regulation of faith groups. Thus, multiculturalism may apply when the faith-based group is a minority culture (but even then it raises issues for sexual minorities) but it certainly does not apply particularly well when it replaces the pluralist state with certain church-based social services, because this tends to reinforce the dominant culture rather than protect and preserve minority ones.

*Faith and dress:* The issue of wearing particular apparel in honour of one's faith has raised issues with respect to both gender and culture. Canadian multiculturalism policy applies very well to this particular kind of faith in the public square. Unlike France and other jurisdictions that rigidly ban religious apparel in the name of a policy of secularism in public institutions like schools, multiculturalism argues that respect for difference means individuals have the right to wear turbans, veils, yarmulkes and other items related to the practice of their religion. As many of the examples provided by Kymlicka and Taylor suggest, cultural protection is often deeply connected to religious belief. Feminist multiculturalists have also made clear that the notion that the 'veil' should necessarily imply gender inequality or submission to men is to misunderstand the degree to which such symbols can have multiple meanings.

*Faith and the law:* It is unclear the extent to which multiculturalism is applicable to the incorporation of faith-based adjudication in liberal secular states. The debate over religious tribunals in Canada, as an alternative to judicial court mediation in family law has been an extended one. While Ayelet Schachar has argued that religious arbitration may be appropriate in areas like family law, the issue of gender justice/injustice is often raised by women both outside of and within the religious tradition (while others defend it from a cultural perspective).

It is important to recognize that faith is doubled sided for women.

*Religion negative for women:* Many feminist scholars argue that religion and faith largely operate in opposition to the interests of women and sexual minorities (queer, lesbian, gay and transgendered). Many feminists have emphasized the ways in which large religions (Christianity, Judaism and Islam in particular) have fought against women's equality, reproductive freedoms and sexual autonomy. Similarly, religious institutions have been historically damaging to the interests of some sexual-minority citizens by engaging in systematic homophobia.

- Discrimination is obvious – women cannot hold certain offices in many religious organizations. The traditional religious tenets of many faiths call on women to be submissive to their husbands. Gay and lesbians are seen as 'sinful' and are required to repress their sexuality.
- Degree of misogyny and hatred of women – women have often been depicted in religious texts in dichotomous terms – as either virtuous saints keeping men in line with the faith or as the source of temptation – connected to desire, body, sexuality and vice.
- Some religious institutions are at the forefront of working against feminists' interests on many issues of importance to women like abortion, working outside the home and birth control.
- For gay/lesbian/queer citizens, faith, particularly in its more traditional or fundamentalist forms, has been profoundly discriminatory and engaged in homophobia.
- The problem is when claims rooted in 'faith' are made against women or sexual minorities, it pulls it out of the variety of political claims that can be made and makes it, by definition, a prior claim rooted in sacred belief.

*Religion is positive for women:* It has been argued by other feminists that the general antipathy towards faith by mainstream feminism overlooks the fact that faith or spirituality is not only consistent with feminism, but that faith and/or religion is of particular importance to women (more so than men in most surveys). Thus, if the diversity of women's experiences, including those of religious women, is to be taken seriously, religion cannot be seen as wholly negative. Rather, its positive impact in women's lives must also be recognized.

- Studies by Brenda O'Neill (2006) show the importance of religion in women's lives.
- Also there is a particular role that religion plays in the lives of minority women that is enormously positive – the best example would be African American women – to whom religion is not only an important resource on an individual level but is also critical to their struggle for civil rights.
- Religion/faith provides women with an alternative ethos to the materialist, instrumentalist and self-maximizing world of contemporary capitalism.

It is important that the response to the challenge of faith is not a knee-jerk assertion of secularism in the modern state if both cultural minorities and the importance of faith to women in particular are to be recognized; on the other hand, where majority religions are recognized through state-sponsored faith-based initiatives in such a way as to violate the rights of minority religions, the separation of state and religion should be reasserted. While multiculturalism may work for some aspects of faith in the public square (faith and dress, faith and the law), it cannot fully encompass other dimensions (faith and schools, faith and social services). Particular attention must be paid to the different meanings faith can have depending on whether it is a majority or minority faith community in respect of inter-faith dialogue. Multiculturalism can be used to further the state's security agenda in worrying ways, as I would argue is the case in the U.K. currently.

## Conclusions

Canada's official multicultural policy and multicultural political theory are a good place to begin to think about global cultural pluralism, but it needs to be broadened and conceptualized more as a process that is constantly evolving and being contested from within and without, rather than as a bounded entity that needs to be protected and preserved. Multiculturalism must also pay greater theoretical and practical attention to the issue of gender as outlined in the insights described above.

### Strengths of multiculturalism:

- Protects and preserves minority cultures from the excesses of either individual rights/same treatment or majority will
- Includes groups defined both by 'ethnicity' and 'race' within the definition of official multiculturalism
- Multiculturalism in Canada is part of our understanding of 'citizenship' which is far preferable to those countries where there are policies for 'citizens' and multiculturalism policies for 'others'
- Addresses both long-standing minority communities as well as newcomers
- Critically important to empower ethno-cultural and anti-racist groups to welcome and help newcomers and immigrants to Canada. Canada's multiculturalism policies have made the citizens of Canada, more than those of any other country in the world, feel more positively towards immigrants, and made immigrants more likely to want to become Canadian citizens.

### Weaknesses of multiculturalism:

- Theory's focus on ethnicity/nationality tends to obfuscate the importance and difference of 'faith communities' within multiculturalism and this issue of faith needs separate consideration.

- Multiculturalism also can obfuscate racism/racialization as the issue of ‘race’ is somewhat hidden behind the appeal to culture.
- Canadian context is deeply shaped by Quebec and First Nations so may not be as applicable to other contexts – assimilation vs. segregation or discrimination.
- State-centred – focus on national unity from beginning, so may be less about what represents justice for minorities and more about what will stabilize/maintain federal union/state sovereignty.
- Multiculturalism has not incorporated the issue of ‘gender justice’ enough into its analysis.
- Multicultural theory and practice need to be supplemented by deliberative democratic processes by which citizens can engage in these processes and decisions.

Multiculturalism thus must be amended in the following ways:

- Culture needs to be reconceptualized. Recent scholarship, from anthropology, cultural studies and critical political theory has made the case that culture should not be seen as a discrete, bounded entity that needs to be preserved or protected so much as a process of by which identities are constructed. Culture should not be seen therefore as something that opposes ‘gender’ in some sense but rather as a series of intersecting fluid processes that are constantly evolving as people interact with each other and crystallize or organize around one cultural identity or another.
- Culture must be broadened in scope. It does not just mean ‘ethnicity’ or ‘nationality’. Culture includes religious beliefs, sexual orientation and I would also include racialization and disability. Thinking of culture in this way, as very broad but also fluid, contested and multiple not only more accurately reflects the reality of intersectionality in identity politics but also allows theorization and thinking around gender as equally fluid and contested.

Sexual equality as a goal of feminism also needs to be rethought:

- Gender justice is a better term than sexual equality – it broadens the meaning of what it is ‘women’ are seeking as a differentiated group. Indeed, gender justice involves questions of injustice with respect to sexual minorities (BLGT communities) and the need to not only include women on an equal basis with men in the existing gendered framework of the world but also to challenge the nature of the frame. Equality carries with it the notion of ‘same treatment’ or ‘equal rights’ both of which carry considerable western cultural baggage.
- Key insights of feminist multiculturalist literature include the ethic of care, the challenge to the public/private divide, and the impact of neoliberalism on women.

The mechanism by which conflicts should be resolved, in addition to the courts and reformed legislative institutions is the enhancement of public spaces, including ‘counter-

public spaces' by which citizens may become more involved and engaged in both the conversation about, and the resolution of, issues involving both 'gender' and 'cultural' dimensions. Care needs to be taken, however, that the historical context for the injustices that are to be addressed is well understood before embarking on such deliberations and that all voices are heard in these deliberative fora. Faith represents a distinct set of concerns and opportunities with respect to both multiculturalism and gender justice. While faith-based issues do overlap with some multicultural concerns they cannot be fully accommodated within this framework.

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