

# Women and the Fictive Individual of Liberalism

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In recent years feminists have made extensive criticisms of the ostensibly universal categories of modern political theory on the grounds that they have been constructed from a masculine perspective and as such are necessarily exclusive of the concerns of women.<sup>1</sup> This represents a significant break with previous feminist work which tried to *use*, as well as criticise, modern political theory. The break builds on a new understanding of sexual difference as both more intractable and more positive than earlier feminists had supposed (Barrett and Phillips 1992, 4). The argument is that insofar as political theory fails to recognise sexual difference, positing its categories as universal, it actually smuggles in a masculine norm such that women, with their specifically female embodiment and historically constructed feminine concerns, have not been, and can not be, represented in its terms. The individual of liberal political theory is a prime target of this critique. Supposedly abstract and disembodied such that any person is, or at least could be, an individual, it has been taken as exemplary of a masculine perspective. It is argued that to be an individual in liberal theory one actually has to have a male body and do masculine things in the public sphere and furthermore that the category of the liberal individual can not be extended to women because it is premised on a denial of everything that women represent. It is not just that women happen to be different from the men who have traditionally been positioned as individu-

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<sup>1</sup> The literature on this topic is now extensive. See the following: A. Phillips, »Universal Pretensions in Political Thought« in Barrett and Phillips 1992; C. Pateman and E. Gross, *Feminist Challenges: Social and Political Theory*, Allen and Unwin, London 1986; C. DiStefano, *Configurations of Masculinity: A Feminist Perspective on Modern Political Theory*, Cornell University Press, Ithaca 1991; S. Benhabib, »The Generalised and the Concrete Other« in E. Kittay and D. Meyers (eds.) *Women and Moral Theory*, Rowman and Littlefield, Totowa, New Jersey 1987; C. Pateman, *The Disorder of Women*, Polity Press, Cambridge 1989; I. Young, »Impartiality and the Civic Public« in *Throwing Like a Girl and Other Essays in Philosophy and Social Theory*, Indiana University Press, Bloomington 1990; M. Gatens, *Feminism and Philosophy: Perspectives on Difference and Equality*, Polity Press, Cambridge 1991.

als: the argument is that the individual is meaningful only insofar as it is opposed to the feminine. In the words of Carole Pateman:

*»The masculine, public world, the universal world of individualism, rights, contract, reason, freedom, equality, impartial law and citizenship ... gains its meaning and significance only in contrast with and in opposition to, the private world of particularity, natural subjection, inequality, emotion, love, partiality – and women and femininity ...«* (Pateman 1986, 6)

The feminist critique of political theory as masculinist has been enormously influential in recent years but it is not the only possibility for feminist theory. In response to the arguments of these »difference« feminists it is possible to argue from a post-structuralist perspective that the problem can not be that women are not, and can not be represented in the categories of modern political theory since women can not be represented at all. On this argument »women« is a fiction. In this paper I want to deal with two different, but related, senses in which women may be said to be fictional. Firstly, women can not be represented because the category itself is unstable: it »is« not. On the Derridean account »women« is a fiction because, like any other identity it is never fully present to itself but is always undecidable, disrupted by the way it is constituted in relation to other equally unstable terms.<sup>2</sup> »Women«, like any other apparently self-present category is fictional because it »is« not fully any one thing, and certainly not itself. Secondly, women is a fiction which fictions reality: it produces »effects of truth«.<sup>3</sup> In this sense »women« is fictional because it does not represent the truth of the constituency women as they really are »out there« in the world. How could it represent a pre-given reality if as a term it is constituted only in unstable relations to other terms in discourse? Or rather, what is there to say about that reality, and its representation, that is not already caught in the term of discourse? But it is a fiction which may fiction reality insofar as it is a term which we use to describe ourselves and with which we identify. In this sense it is a fiction which constitutes its own object, which makes it work as that which we think of and enact as reality.

If women is a fiction, so too is the individual. Firstly, as a discursive category the individual »is« not. The liberal category of the individual purports to

<sup>2</sup> The instability of identity is a central theme in all Derrida's work. For a general statement see J. Derrida, *Positions*, tr. A. Bass, The Athlone Press, London 1981.

<sup>3</sup> Foucault uses the term fiction in this sense. At the end of an interview on the *History of Sexuality* he says: »I am well aware that I have never written anything but fictions. I do not mean to say that the truth is therefore absent. It seems to me that the possibility exists for fiction to function in truth, for a fictional discourse to induce effects of truth, and for bringing it about that a true discourse engenders or »manufactures« something that does not as yet exist.« (Foucault 1980, 183)



represent what is pre-social or not social in each human being. It can only do so, however, in opposition to society, to what it is not. As Derrida has shown, since the privileged term of such a binary opposition – in this case the individual – is always dependent on the inferior term – society – for its very identity, there will be an undecidability, an oscillation of determinate possibilities between the two such that neither can finally be distinguished from the other (Derrida 1981, 43). Dependent on society for its very identity the liberal category of the individual is ultimately undecidable between the non-social to which it would like to refer and the social from which it would like to be clearly distinguished. Here we will develop this analysis in a deconstruction of the liberal philosophy of John Stuart Mill. Secondly, the individual is a fiction insofar as, under certain determinate circumstances, it is productive of our understanding of ourselves as individuals: it fictions reality. It is in this respect that I take issue with the feminist critique of the liberal individual as always and necessarily masculine. Women as well as men have been described and have described themselves as individuals, most particularly under the influence of feminism itself. This is particularly evident in the case of nineteenth century feminism which we will look at here. The undecidability of »individual« has permitted it to be used to represent women in their specific embodied difference from men such that individuals need not always be masculine.

There is a sense in which the feminist critique of the liberal individual as masculine anticipates, and refutes, the possibility that women may be described as liberal individuals. After all, it is undeniably the case that liberalism has been used to describe and to counter women's subjection to men and that to do so it has extended its terms beyond the constituency to which it was originally applied. While for Locke, although ostensibly every human being was to be considered free and equal but in fact only propertied heads of households were to be granted political rights, for J. S. Mill humanist principles must be extended to women, and to slaves too. In other words, what had only ostensibly been universal rights should, in Mill's terms, become genuinely universal. According to the feminist critique of liberalism as masculinist, however, it is not possible to extend these principles to women *as* women; their inherent masculinity will always prevent their application to women in their specifically feminine situation. According to Carole Pateman, then, Mill's attempt to extend liberal principles to women fails because, for him, as for liberalism generally, the very meaning of the individual links it to men's capacities and activities in the public sphere and opposes it to women's capacities and activities in the private sphere. Mill uses liberalism to argue that, as rational individuals, women should have the same opportunities as men for self-determination: they should have the vote and be permitted to

follow a profession and interests in the public sphere. However, he assumes that most women will not choose actually to work outside the home, they will prefer to marry, have children and take on the management of a household, a choice which, he argues, will necessarily restrict their activities outside it (Mill, 164-5). On Pateman's account women will not then be full individuals since for Mill to realise one's potential as »a moral, spiritual and social being« an individual must participate in the political and economic activities of the public sphere, something women who »choose« the activities of the private domestic sphere will not be able to do (Pateman 1989, 129-31). For Pateman a woman can not be the individual of liberal theory because this individual gets its identity as a fully rational being concerned with the universal good only by its opposition to the feminine world of care for particular others. According to Pateman, for Mill »Women will thus exemplify the selfish, private beings, lacking a sense of justice, who result ... when individuals have no experience of public life« (p. 130).

Pateman's reading of Mill clearly brings out the opposition between public and private domestic, masculine and feminine in a way that has been neglected by political theorists for whom it is only what takes place in the public sphere that is of significance. It clearly brings out the dependence of the public sphere on the care of women in the home and the difficulties of simply extending liberal principles to women on the understanding that all can participate in the public sphere on equal terms. However, I want to take issue with her reading on two points. Firstly, she reifies the binary oppositions of Mill's texts, treating them as if they actually are what they pretend to be: oppositions between mutually exclusive and self-present categories. In order to do so she has to neglect the inconsistencies of the text, the different, and incompatible ways in which the terms of these oppositions are used precisely in order to assure their apparent integrity. And secondly, to argue that for Mill the individual is only possible in the public sphere she has to ignore what is probably the most central opposition in his work, that between the individual and society. Focusing on this, unstable, opposition will allow us to see how it is that Mill is able to position women, even the feminine woman in the private sphere, as an individual. For Mill the individual can be either masculine or feminine.

Let us, then, examine the inconsistencies in Mill's use of the term »women«. The women of *The Subjection of Women* are not simply the opposite of men, they are many, incompatible things. There are at least three ways in which women are described in the text. Firstly, women are unknown and unknowable under the present conditions of their subordination to men:

»What is now called the nature of women is an artificial thing – the result of



*forced repression in some directions, unnatural stimulation in others.*» (Mill 1989a, 138-9).

Secondly, women are essentially the same as men. »Women« are subsumed under the generic category »human« and it is argued that like men their desire for individual freedom overrides virtually every other consideration: »After the primary necessities of food and raiment, freedom is the first and strongest want of human nature.« (Mill 1989a, 212) Finally, women are different from men in their current character and capacities. Despite Mill's closely argued claim that men can not know women so long as women are subordinate to them because in such a situation women are unlikely to reveal their true characters (p. 140-3) he nevertheless makes extensive generalisations concerning women's interests (p. 132-3), their concern for the feelings of individuals over the general good (p. 204), their intuitive grasp of details (p. 173-5) and so on. For Mill there is a feminine character which is clearly distinguishable from the masculine. And this feminine character is indeed positioned as antithetical to the principles of justice of the public sphere in the way that Pateman describes. While participants in the public sphere learn to think in terms of considerations wider than their own selfish interests, women in the private sphere are taught to be concerned only with members of their families. They are taught that:

*»the individuals connected with them are the only ones to whom they owe any duty – the only ones whose interest they are called upon to care for; while, as far as education is concerned, they are left strangers even to the elementary ideas which are presupposed in any intelligent regard for higher interests or higher moral objects.«* (Mill 1989a, 193)

And this is in contrast to individuals in the public sphere, who it should be noted, may also be women:

*»Whatever it has been said or written, from the time of Herodotus to the present, of the ennobling influence of free government – the nerve and spring which it gives to all the faculties, the larger and higher objects which it presents to the intellect and feelings, the more unselfish public spirit, and calmer and broader views of duty, that it engenders, and the generally loftier platform on which it elevates the individual as a moral and spiritual being – is every particle as true of women as of men.«* (Mill 1989a, 213)

The question is, then, given the inconsistencies that we have seen in Mill's use of the term »women«, is it the case, as Pateman argues, that only the »masculine« woman in the public sphere, the woman who participates in the political and economic activities traditionally reserved for men, can be considered a full individual? Or are the oppositions of the text less clear cut than Pateman

would have it so that the liberal individual is not exclusively positioned as masculine in the public sphere but may also be feminine in the private sphere?

In order to examine this question we will look at what is probably the most important, certainly the most obvious, opposition in Mill's work, the opposition between society and the individual. It is this opposition on which the central principle of his liberal philosophy depends: »Over himself, over his own body and mind, the individual is sovereign.« (Mill 1989b, 13) Despite the masculine pronoun, I will argue that this abstract individual is actually without sex and can be embodied in both men and women.

Mill begins *On Liberty* with a strong statement of intent. The subject of the essay is, he says, »the nature and limits of the power which can be legitimately exercised by society over the individual.« (Mill 1989b, 5) His intention is to determine where this limit should be placed, »how to make the fitting adjustment between individual independence and social control« (p. 9). He is attempting to draw a strict opposition between the individual and society. This subject he sees as of the utmost importance since the individual is currently in great »danger« from society: »society has now fairly got the better of individuality« (p. 61) and this is an »evil«, both for society and for the individual (p. 57). The great danger for the individual from contemporary society is a result, according to Mill, of democracy or popular sovereignty: it lies in the laws that are passed by a popularly elected government and also in public opinion which he sees as having a force independently of the law (p. 8). In fact, he begins *On Liberty* by arguing that the power of public opinion over the individual is *more* dangerous than that of the law: »it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself.« (p. 8) Initially, then, in *On Liberty*, public opinion is posited as most dangerous for the individual, as more dangerous than the law. It is to public opinion that the sphere of freedom of the individual must be opposed:

*»There is a limit to the legitimate interference of collective opinion with individual independence: and to find that limit, and maintain it against encroachment, is as indispensable to a good condition of human affairs, as protection against political despotism.« (p. 8-9)*

Almost immediately, however, Mill runs into problems with the opposition he wants to make between the individual and society. How is it to be maintained? He sets out the principle by which »the dealings of society with the individual« are to be governed, whether it is a matter of legal penalties or »the moral coercion of public opinion«:

*»That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection.« (p. 13)*



But how is this principle to be effective? How can it be used to maintain a separation between the individual and society if public opinion – which is on the side of society and oppressive of individuality – in everywhere, leaving no means of escape, penetrating every detail of life and »enslaving the soul itself«? (p. 8) Mill faces this question directly. The forces against individuality are, he argues, formidable – »it is not easy to see how it can stand its ground.« (p. 73) It may be that it will not be able to do so:

*»It will do so with increasing difficulty, unless the intelligent part of the public can be made to feel its value – to see that it is good there should be differences...«* (p. 73)

Here we have the claim that the opposition between society and the individual can only be made if it is supported by the public, or at least by part of it. Individuality is not threatened by the public in this instance, it is sustained by it. In this sense, society can not simply be opposed to the individual in the definitive way Mill initially intends because the public which is on the side of society opposing the individual is also necessary to the opposition of the individual to society; it is on the side of society and also on the side of the individual as it were. In Derridean terms the »public« is a hymen which is both »society« and »individual«; by its play between »identity« and »difference«, between the inside and the outside, it makes possible the opposition between the society and individual as two rigorously separated, self-identical categories at the same time as it makes the opposition between them impossible to maintain.<sup>4</sup>

In order to see how the play of »public« between individual and society makes the opposition between them both possible and impossible in Mill's text we need to look more closely at how he uses the term. In the first place, as we have seen, he uses it in strict opposition to the individual. In this sense »the public« is one, unified against the individual:

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<sup>4</sup> »Hymen« is an undecidable which Derrida takes from his reading of Mallarme's »La Mimique«. It has the double meaning in Latin (as it has been translated from the original Greek) of both »membrane« and »marriage«; it means »between« both in the sense of fusion and of separation. As such it describes the neither/nor of the mime with which Mallarme is concerned in this text; neither original, nor imitation »it is located between present acts that don't take place.« (Derrida 1981b, 220) In this respect it works like other undecidables – like *pharmakon*, *supplement*, *différance* and others, which have a double contradictory meaning – to describe the way in which apparent self-presence is produced out of a play of identity and difference. In fact, Derrida suggests, the double meaning of »hymen« is useful only for economy; it could be replaced by »identity« or »difference« (that is by both of them together – perhaps it would be better to write »identity/difference«) with no loss except that of economic condensation or accumulation: »It is the »between«, whether it names fusion or separation, that carries the force of the operation.« (p. 220)

*»The ... tendencies of the times cause the public to be more disposed than at former periods to prescribe general rules of conduct, and endeavour to make everyone conform to the approved standard.« (1989b, 69)*

In a second usage, however, the public is not unified; it may include different individuals within it. It is in this sense that Mill uses it to oppose the individual to society from the side of the individual. He says that the forces hostile to individuality can only be opposed if:

*»the intelligent part of the public can be made to feel its value – to see that it is good there should be differences ... If the claims of Individuality are ever to be asserted, the time is now, while much is still wanting to complete the enforced assimilation... The demand that all other people shall resemble ourselves grows by what it feeds on. If resistance waits till life is reduced nearly to one uniform type, all deviations from that type will come to be considered impious, immoral, even monstrous and contrary to nature. Mankind speedily become unable to conceive diversity, when they have been for some time unable to see it.« (p. 73-4)*

In this use of »public«, then, individuals are not separate from it, opposed to it as they are to society. They are part of the public, included within it; the public includes the individuals which it opposes to society.

It is this second sense of »public« that Mill uses when he proposes in *The Subjection of Women* that the individuality of women in the private domestic sphere can be supported by public opinion. Here he uses public opinion on the side of the individual and opposes it to the law which, in this instance, stands for society against the individual. The point he wants to make is that freeing women as individuals will not lead to irreconcilable conflict in the household, as he anticipates conservatives will fear:

*»But how, it will be asked, can any society exist without government? In a family, as in a state, some one person must be the ultimate ruler. Who shall decide when married people differ in opinion? Both cannot have their way, yet a decision one way or the other must be come to.« (Mill 1989a, 155)*

Mill deals with the problem of differences in opinion in the private domestic sphere if both men and women are self-determining, not by agreeing with previous liberals, notably Locke, that ultimately women must submit to their husbands, but by arguing that it is not actually a real problem because »by general custom« there is a division of labour in the home which is such that each will have their tasks and will make the decisions needed accordingly: each will be »absolute in the executive branch of their own department« and any overall change »of system and principle« will require the consent of both (p. 156). Here Mill uses public opinion as supportive of the individual in



opposition to law which stands for society. He argues that the division of labour between the sexes must not be established by the law since that would pre-empt the freedom of the individual to live according to their own »capacities and suitabilities« (p. 156). But it is acceptable to him that a traditional or customary division of labour should be maintained by public opinion:

*»When the support of the family depends, not on property, but on earnings, the common arrangement, by which the man earns the income and the wife superintends the domestic expenditure, seems to me in general the most suitable division of labour between two persons... But the utmost latitude ought to exist for the adaptation of general rules to individual suitabilities; and there ought to be nothing to prevent faculties exceptionally adapted to any other pursuit, from obeying their vocation notwithstanding marriage; due provision being made for supplying otherwise any falling-short which might become inevitable, in her full performance of the ordinary functions of mistress of a family. These things, if once opinion were rightly directed on the subject, might with perfect safety be left to be regulated by opinion, without any interference of law.« (p. 164-5)*

Here, then, opinion is no longer on the side of society opposed to the individual; it is on the side of the individual and opposed to the law which is now seen as dangerous in the way that public opinion was in *On Liberty*. The »tyranny of the prevailing opinion and feeling« that elsewhere Mill sees as especially damaging to women's individuality (1989a, 8) is here replaced by a public opinion which is supportive of that individuality against the state.

Public opinion is, then, an undecidable in Mill's text. Sometimes it is used on the side of society opposed to the individual, sometimes it is used on the side of the individual, to support it against society as it is represented in the law. Most notably from our point of view here public opinion supports a division of labour which allows for individuality but which also marks a difference between men and women. The individual is unsexed for Mill, but the public opinion which supports it in the domestic division of labour is not. On the contrary, Mill's use of public opinion, as we have seen, distinguishes »duties and functions« for the sexes that will permit them to complement each other, to live together without conflict. In this respect public opinion distinguishes between men and women, masculine and feminine. It is here, in the public opinion that is, as we have seen, undecidable between individual and society, that the undecidability of women between unsexed individual and feminine woman in the home comes into play.

Within the terms of this undecidability femininity is not, and can not be necessarily and always opposed to individuality. It is true that for Mill men are more likely to develop their individuality than women – they are more self-

regarding and less constrained by the demands of others (1989b, 193 and 189-91); they would seem to have more scope to exercise their individual freedom since they have more choice in their occupations and more freedom to pursue their own interests and beliefs than women in the domestic sphere (even if on Mill's account, women initially choose housewifery as an occupation); and as individuals in the public sphere they are much more able to cultivate the public spiritedness which seems to denote a kind of »higher« individuality than women confined to domestic duties. But the individual is not always tied to a masculine way of life, the feminine woman may also be an individual on Mill's scheme. The implications of his treatment of women as both feminine and individuals in public opinion are drawn out in two important points he makes concerning women's status in the private domestic sphere. Firstly, as individuals women in the home must have »the same rights, and should receive the protection of law in the same manner, as all other persons« (Mill 1989a, 104-5). As self-determining individuals they must not be subject to the »almost despotic power« of husbands (p. 105). In this case it is the rights of women in their position as *feminine* women in the domestic sphere who are also the rational and free individuals of his philosophy that are to be protected: as feminine women they may *also* be free and equal individuals. And secondly, he argues that the reform of society that is necessary in order to make it more just – not least as regards the rights of women – requires a reformed family. Although men may adopt in principle what Mill calls »the law of justice«, that the weak should have equal right with the strong, because of the way they learn that superiority in the home is their birthright they will be working against it »in their inmost sentiments« (Mill 1989b, 196-9). According to Mill, rather than being a »school of despotism« the family should be a »school of the virtues of freedom« (1989b, 160), it should teach its members to live together according to the moral rule that should govern human society in general:

*»the true virtue of human beings is fitness to live together as equals; claiming nothing for themselves but what they as freely concede to every one else... The family, justly constituted would be the real school of the virtues of freedom.«* (p. 160)

It would seem that what the family should teach is the practice of living together according to Mill's first principle, as laid out in *On Liberty* that the freedom of the individual should not be interfered with so long as his/her actions do not harm others (Mill 1989a, 13). To this end, women must have equal rights to freedom in the home, and must exercise their judgement to ensure that their rights and those of other members of the family are not infringed. In both cases, *contra* the feminist critiques of liberalism as essentially masculinist, the individual is genuinely unsexed, it is not exclusively masculine: the feminine woman in the home may also be an individual.



We have seen, then, how in Mill's liberalism the individual is fictional in the first sense in which we are using it here: it »is« not in the Derridean sense since it can not fully constitute itself as a determinate category. Dependent on »society« and on the undecidability of »public« which keeps both the individual and society in their hierarchically opposed places it can never achieve self-presence as itself. And we have seen how women, distinguished from men in their duties and functions in public opinion, thereby participate in the undecidability of »public« and in the fictive being of the individual. Both »women« and the »individual« are, on this account, fictions: neither »is« itself, fully present to itself; constituted only in their illusory being by their relations to other illusory beings neither can ever – necessarily – be anything but fictional. But what is the relationship between fictional in this sense and fictional in the second sense in which we are using it here, the sense in which fiction »fictions« reality by producing »effects of truth«? Here I want to discuss and compare two versions of this relationship, that of Judith Butler on performativity and that of Laclau and Mouffe on hegemony. Both theories understand identity as fictional in the Derridean sense and both see the necessary instability of identities as a condition of possibility of fictioning reality but the latter is, I want to argue, more satisfactory in theorising the determinate condition under which this may be realised.

For Butler the link between fiction and reality is »performativity« which she defines as »that reiterative power of discourse to produce the phenomena that it regulates and constrains...« (Butler 1993, 2). This formulation draws on Derrida's essay »Signature, Event, Context« in which he discusses the concept of the performative in the work of John Austin. On Derrida's reading of Austin some speech acts are performative insofar as making a statement with serious intent in a specified context does more than simply communicate meaning or state facts, it is to act, to produce or transform a situation in the world (Derrida 1988, 13-14). Saying the words, »I do« in a marriage ceremony, for example, is performative. Derrida is in agreement with Austin on the performativity of speech acts but he takes issue with the theory on the grounds that since it is necessary to the structure of language that words can be repeated in different contexts and with different intentions Austin's performatives always depend on »citation«, on the possibility of non-serious speech acts which will invariably risk »contaminating« the serious (p. 15-18). It is as if, in saying the words »I do« there were always echoes of other contexts in which these words have been used which can not definitively be excluded from the occasion – making it comic, for example, or reminiscent of a scene in a film or play. Butler's formulation of »performativity« follows Derrida's work closely. For her performativity involves the enactment or production of that which is named in ongoing social practices (Butler 1993, 12-13). And for Butler, as for Derrida,

the necessary structure of language as citation means that there is a constant risk of failure of the identities that are constituted in performativity: that which is named is never fully self-present, never fully itself and so risks subversion in each instance of its repetition. As she puts it with regard to gender identity:

*»The injunction to be a given gender produces necessary failures, a variety of incoherent configurations that in their multiplicity exceed and defy the injunction by which they are generated.«* (Butler 1990, 145)

Butler's concept of performativity covers both senses of fiction with which we are dealing here: identities enacted in performativity are fictional in the first sense because they are never fully themselves, never self-present; and they are fictional in the second sense because they produce effects of truth, they produce reality for the agents who enact them. For Butler these two senses of fiction are closely linked. It is because identities are fictional in the first sense, because they are necessarily split, that new possibilities can be enacted, new realities fictioned. As Butler puts it:

*»It is this constitutive failure of the performative, this slippage between discursive command and its appropriated effect, which provides the linguistic occasion and index for a consequential disobedience.«* (Butler 1993, 122)

For Butler, then, following Derrida, there is a necessary tension in performativity between the repetition of social norms as constraining – performativity as »the forced repetition of norms« (p. 94) – and as subversive – performativity as »a reciting of the signifier that must commit a disloyalty against identity.« (p. 220) It is *necessarily* a tension since it is integral to the concept of performativity that naming simultaneously produces and offers the possibility of subverting social practices. But the problem with Butler's account, I want to suggest, is that it does not give sufficient weight to the possibility of the *failure of subversion*, a failure which is also integral to the concept of performativity: if every norm is at risk of subversion, every subversion is also at risk of failing to subvert the norm on which it depends. In fact it is not at all clear on Butler's account how we are to identify a *successful* subversion. It has been suggested that for Butler the permanent problematisation of identity is her »regulative ideal« (Smith 1994). But while this may be true of her earlier work in *Gender Trouble*, it is less true of *Bodies that Matter* where she explicitly states that the aim of political resignification is the production of »the new« (Butler 1993, 220), though without elaborating on how we are to distinguish »the old«, from »the new« on a theory of performativity as citation. The production of the new is, then, an important criterion by which the success of subversion can be judged and using this criterion we must assume that subversion succeeds when it becomes a norm since, by definition, it is norms, and not the subversive



»risk« which they necessarily harbour which enact the »normal« everyday practices of social life. If, however, it is the case that for Butler successful subversion requires the institution of new norms, it is also the case that she does not address the question of the conditions under which it might be possible to transform the necessary risk of subversion in every repetition into the enactment of these new social conventions. It is for this reason that I think it is useful to supplement Butler's theory of performativity with the theory of hegemony developed by Laclau and Mouffe in order to understand how, under certain determinate conditions subversions can become normality, and fiction can fiction reality.

There are two important aspects of the theory of hegemony proposed by Laclau and Mouffe which enable us to think through the subversive potential of performativity. Firstly, successful subversion requires decision. If every performative instance is, as we have seen, undecidable between subversion and repetition of a norm, on the theory of hegemony a decision must be made on this undecidable terrain as to which of the possibilities is to be taken up (Laclau 1993, 281-2). To be sure, nothing guarantees that the decision will be correct because according to a theory of hegemony in which no description is possible outside discourse, there is no higher rationality – God, the history of class struggle or the like – according to which a decision could be made that would ensure its truth or its teleological realisation. And it is also the case that such a decision can not definitively close off undecidability; as we have seen, any identity constituted in discourse will necessarily be unstable, undecidable between identity and difference and it is, in fact, this undecidability that permits the articulation and rearticulation of elements in different hegemonic projects (Laclau and Mouffe 1985, 111-113). Nevertheless, a decision needs to be taken because, and this is the second aspect of the theory of hegemony that is needed here, achieving hegemony depends on the articulation of discursive elements around nodal points, privileged signifiers, that will partially fix their meaning *in opposition to* alternative projects which attempt either to institute new forms of the social too, or which continue to reproduce social practices that are already ongoing (Laclau and Mouffe 1985, 135-6). On the theory of hegemony proposed by Laclau and Mouffe the subversion of social identities does involve the repetition of identities in continually changing contexts such that something new is created, but this does not happen as a matter of course; new identities have to be created by their articulation with others with which they were not previously associated in projects which are actively promoted in order to displace others. Fictional identities do not fiction reality as a result of their undecidability, the subversion that every norm harbours is not a sufficient condition of the displacement of that norm; fictioning a new reality involves decision and an act of will. Fictional identities fiction reality only where a

hegemonic project has been relatively successful in instituting new social practices and new – fictional – identities.

To return, then, to the problem with which we began this paper we can see how women were fictioned as individuals in the nineteenth century in the light of the theory of hegemony. We have seen how in Mill's liberalism women were undecidable between femininity in public opinion and the abstract self-determining individual of liberal rights. In Butler's terms the norm of the Victorian woman was subverted as »woman« was contextualised not only as feminine but also as a free and equal liberal individual. This individual was fictioned into reality – women came to describe themselves and to be described as such – as a result of the hegemonic project of first-wave feminism. Feminism decided on women as individuals and, with varying degrees of success, challenged the description of women as irrational, inferior and naturally subordinate to men with the description of women as rational, self-determining individuals whose rights – to property, education, divorce, custody of young children, protection from domestic violence and so on – should be guaranteed (Shanley 1989).

And beyond formal rights, women were further articulated as individuals with equal rights to self-determination in personal relationships with men, especially in marriage (p. 63).<sup>5</sup> Feminine women in the private sphere could be, and were, individuals in nineteenth century liberal theory and in the social practices realised by first-wave feminism but clearly the undecidability of Mill's text – the fictional status of its identities – was not sufficient to fiction reality, to perform it in new ways.<sup>6</sup> For reality to be fictioned a decision had to be made in the context of a hegemonic project which succeeded in instituting new

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<sup>5</sup> This is to abstract from and somewhat to simplify first-wave feminism which also, on occasion, decided for the feminine woman of Mill's public opinion (despite Mill's hostility), attempting to extend her influence beyond the private domestic sphere (Holton 1986, ch. 1). At the same time woman as an individual was promoted in private, in the reform of marriage and property law and so on, and also in public, in the suffrage campaign, for example. In fact, we might say that first-wave feminism oscillated between the construction of women as feminine and as abstract individuals without, however, ever giving up the attempt to institute the rights of the latter, in law and in social practices more generally.

<sup>6</sup> In fact, the undecidability of a text could not be sufficient to fiction a new reality in Butler's terms either: subversive performativity takes place in social practices and not simply in language. She explicitly argues, for example, against what she calls »linguistic constructivism« as unable to account for the materiality of the sexed body (Butler 1993, 6-10). But the important distinction here is not between language and practice as such; it is a question rather of the relation between a text and its social context. It is evident that performativity for Butler involves practices that are at the very least linguistic as well as material and in actual fact, and possibly inconsistently (can there be social practices that are entirely or almost entirely linguistic?), she



social practices on the basis of that decision. In short, the fictioning of a progressive reality requires political struggle, it does not just happen.

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deconstructs literary texts (the novels of Willa Cather, for example) as subversive, as if they were in themselves performative practices (Butler 1993, ch. 5). For Laclau and Mouffe, on the other hand, a text can be subversive only if it is taken up in a (relatively successful) social movement actively struggling to bring about change. It is the dimension of intentionality and struggle in their theory that differentiates it from Butler's, not a distinction between linguistic and non-linguistic practices; for Laclau and Mouffe, as for Butler, material practices are always also linguistic (Laclau and Mouffe 1985, 108-9).

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