Introduction

Agency and Resistance
Debates in Feminist Theory and Praxis

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Feminism’s third wave is built on both the politics of second-wave feminism and the backlash that responded to it within a postmodern, neo-liberal world, where culture rather than politics is taken to be the key area of resistance (Miller 2008: 28). Feminist activism began in North America as a collective movement. The “personal is political” became its rallying cry, its mantra for a revolution for how to think/act about and to understand the differences between the sexes. Many achievements came as a result of this foment: pay equity, daycare, sexual assault centres, and transition houses for battered women and their children. No longer could legislators, policymakers or pundits ignore the plight of women. No longer would jokes about women’s roles be easily delivered in Parliament.1 Indeed, the Democratic race for leadership in the U.S. showed for the first time how a white woman or a Black man could actually become president of the United States, something some of us thought we would not live to see.

But what does all of this mean to the women’s movement? Backlash in the press, such as resistance to Mary Koss’s research on date rape on university campuses and to Take Back the Night marches and No-Means-No date rape campaigns (Stringer 2001; Roiphe 1993; Wolf 1993; Kamen 1993; Koss and Harvey 1991; Gilbert 1991, 1992, 1993; Koss and Oros 1982; Koss 1988), spell out a feminism that, for the most part, is no longer the “in” social movement. It’s considered passé (Gillespie 1994). Moreover, negative publicity has been used to bolster claims for financial cut-backs to feminist organizations. In 2006 the Conservative government “cut funding to the Status of Women Canada secretariat and to the Court Challenges program that funded citizens and groups fighting laws they believe violated the Charter of Rights and Freedoms” (Mallick 2006). Then the Tories “killed all funding for women’s groups that do advocacy, lobbying, or research” (Mallick 2006). This signalled that a diversified political challenge is necessary to combat neo-liberal policies. Environmental movements (largely spearheaded by women) have become more compelling to youth as they look forward to a resource-ravaged planet and all of its incumbent difficulties. Books on disasters of all types environmental (Jacobs 2004; Rees 2004; Smith 2004; Aptekar 1994) and capitalism gone amok (Klein 2007, 2001) comingle in people’s consciousness with self-help books on everything from Tantric sex to Buddhist mediation.2

We argue, however, that there are movements still afoot (Boyd 2004), collective, individual and cultural, and many of them involve women. We argue that collective action on class, race and gender has changed emphasis, reoriented into
issues of identity politics (Mathen 2004; Spivak 2008, 1988; Spivak, Chakravorty and Harasym 1990), of cultural challenge and of legal resistance (MacKinnon 2008). This resistance is largely due to a reaction to the circumstances, labelling and experience of the female “victim.”

In this anthology, we trouble the concept of victim. We do so to enable the reader to see the work of women in resistance. We hope to offer the beginnings of a framework of resistance, one that explores the moments beyond victimization, how women do not stay crushed and broken, but move on, build and grow. We note the types of resistance as we find them, in settings of collective or individual political organizing, legal reforms and cultural norms and labels that criminalize. We find these examples in arenas of political resistance, identity formation and as tools of survival.

Activism Revisited

In the eighties feminists focused on anti-pornography, anti-prostitution, anticensorship and pro-workers’ rights, initiatives that presumed the workability of the “woman as victim” model. This model attempted to empower women by suggesting that the sexual assault victim, the sex trade worker, the woman victimized by pornographers or sweatshops and the woman sexualized in her trade union could be a survivor rather than a victim. This was a necessary political step and one we do not hesitate to support. Further, the movement has transitioned from a collective politic to individual resistance, and some individual resistance tactics have morphed back into a collective politic. We see this as a necessary political step in the next frontier of women’s rights, the international stage. This transitioning was, in part, a direct response to issues imperative to the movement, identity politics arising from postcolonialist resistance, for example, and transnational feminisms both fusing and fracturing simultaneously. Rather than an aberration, or a seemingly erratic pattern, such political patterns are not only effective but highly “on the ground” responsive to issues that women face everyday across the globe. Not unlike the resistance to global capitalism, the tendency to “umbrella” women’s resistance (Lewis 2005) at the international level has fractured some movements, fused others. But the women’s movement lives on, largely reactive to the label of “victim” and seeking changes on both individual and structural levels.

Early feminisms, for all their achievements, stayed in a victim framework. Women were rendered passive, yet again, not by patriarchal ideology, but by reductionist explanations of the place of women: battered, assaulted and harassed. But to name these issues, as critical as that is for the healing of women so victimized, is but part of the political battle. Woman-as-victim is not an emancipatory cry that encourages all women to join efforts in combating patriarchy. It is, at its core, highly analogous to the right-wing, conservative agendas that would keep women politically passive, smiling stewards of male futures, still adhering to “men’s way” in the boardroom and the bedroom. It is not what our mothers and sisters intended, at all.
The early movement was narrow. It had to be. A wide net, a grand focus, could not have achieved what our foremothers needed — whether that was the vote, shelter from harm, pasteurized milk, pay equity or extended maternity leave. This strategy had its victories but it also had its problems. For example, feminism as it used to be rarely included women of colour (Moraga and Anzaldúa 2003; Bhopal 2002; Allen 1992; Ware 1992; Omolade 1989; Spelman 1988; Giddings 1985; Lorde 1984; Avakain 1981; hooks 1981; Smith 1979; Hood 1978; Joseph and Lewis 1981) or fully explained differences of sexuality (Atkinson 1974; Myron and Bunch 1975; Rich 1980; Cornwell 1983). Some women were still marginalized, particularly so when it came to discussions of women and the law. Discussions of child custody in North America, for example, did not include what was happening in Europe, and discussions of violence, even on a structural level concerning sexual assault, could not explain fully the systematic rape that war has produced in the past few decades.

Alternatively, those who choose not to conceptualize women as victims argue that women’s work in the sex trade industry, pornography and the underground economy is empowering for women. Turning victim language on its head, sex trade workers who fight for union rights suggest that archaic notions of consensus building and transformation are just that — archaic, so that the models of sex discrimination feminism represents often do not work for all women. True resistance, therefore, can be found through examining the specificity of women’s conditions, the legal, social and cultural structures that disempower women, and the transformative power of negating the label of victim. Resistance then becomes a way of life, a survivor response or a political action. Resistance is manifest either individually or collectively, at the local level or at the level of the state, as a first response or a last resort.

What is unique in this collection is the rapport between this scholarship and resistance, relative to women’s relationships to law, politics and culture (Chunn, Boyd, Lessard 2007; Boyd 2007; Boyd, Young, Brodsky and Day 2007; Boyd and Rhoades 2006). Through narrative, theory, field-work, case studies and/or legal policy, this anthology documents resistance in particular ways. Women in these chapters resist dominant practices in the social world in favour of more fluid, resistant and life-giving strategies to enable change in their own lives. By exposing language, experience and legal policy to this type of analysis, we can more fully understand the nature of the resistant experience for what it is, a subversion of normative practice.

In thinking about the ways in which women resist, we can turn to North American women’s political awakenings, involvement with the battered women’s movement, the sexual assault crisis centre movement and women’s studies courses as examples. Participation in annual Take Back the Night marches, No-Means-No date rape campaigns and women’s collectives entailed mobilizing, lobbying and fundraising, all of which contributed to social justice and social change for women. These actions for social change liberated many; yet, the promise of liberation had its contradictions. Research on racism in the women’s move-
ment, for example, has been resisted in women’s studies programs (Moraga and Anzaldúa 2003; Bhopal 2002; Allen 1992; Ware 1992; Spelman 1988; Giddings 1985; Lorde 1984; Avakian 1981; hooks 1981; Smith 1979). But what of the resistance strategies employed by women cross-culturally? Are the strategies of resistance available to North American women viable alternatives to, say, women in Europe?

**Theory and Praxis**

The forms of resistance we observe in this anthology are wide-ranging. Activism is a highly visible form of resistance, and known to most. There are others. For example, legal responses to women’s social problems are not necessarily recognized as resistance. Law reform and legal challenges are considered institutional responses, which do not fall into the same category as political protests. But as this volume attests, international actions, such as the response to war crimes in Bosnia (Goedl) and analysis of the United Nation’s mobility clauses and the implications for child custody (Bromwich) can indeed be categorized as resistance, and resistance of the most critical kind.

Resistance is rarely documented as a powerful political strategy, especially when women are its primary agents. As an institution and as praxis, law rarely has room for agency, and even less so for the agency of women. Women are most often depicted in particularized ways by law, most significantly, as victims, usually as sexualized victims. As Mary Eberts has often indicated, law deals only with the sexual aspects of women’s lives: pregnancy, motherhood, sexual assault. Less visible in legal cases are the more common places of women’s victimization: of work, of pension and of increased tax burden (Johnson 2002). One salient reason for this is that law acts as a social mirror (Bell 1994), reflecting back to us how we socially organize the world in gendered terms. In other words, if we organize the world in ways that only emphasize women’s sexuality, we render invisible those areas of women’s lives in which other types of victimization occur. There is no room in this scenario, for example, for women who are victims of war, of harassment at work or of international child abduction. The means by which women from diverse backgrounds are able to resist depends on context, location, support and the ability to strategize in order to survive with dignity and determination. In this volume, we present women who all have the ability to resist, despite differences of class, race, gender identity, and ethnicity and nationality.

Law does not usually recognize resistance as resistance (Jeffrey and MacDonald 2006). Collective political action, individual actions or legal challenges by social groups are considered suspect. Claims to knowledge and power are often considered anormative, or simply ignored (Foucault 1976, 1977). Despite such examples, there have been considerable concerns among feminists about relying on legal structures to further women’s interests (Smart 2002, 1995; Smart and Brophy 1985). These concerns stem in part from the patriarchal legacy in law, reflected in the dominance of men in virtually all aspects of law making and
law enforcement, including the judiciary, the legal profession and Parliament. At
the same time, some feminists favour using legal institutions as part of a broader
effort to change society. There has been ongoing interest not only in studying
the impact of particular laws and measures on women, but in taking a more
introspective look at how women are treated within the legal profession and the

First- and second-wave feminists resisted oppression and domination, and,
through consciousness raising, political action and transformation, fought to
have women recognized within law. Marxists and radical feminists questioned
participating in the legal system because it was created and sustained by a
“dominant sex class” (Smart 2002; Smart and Brophy 1985). Poststructuralists
and postmodernists deconstructed damaging labels applied to women who do
not fit neatly into dichotomous legalistic categories and have questioned the
workability of the legal institution itself. The transformation of social, political
and legal institutions might signal to women that they have won the battle, but
lost the war. Liberal humanist values seem to prevail within formal social institu-
tions, leaving out diverse voices and experiences. The “legal woman,” like the
“rational man,” reconceptualized by feminist theory, remains white, middle class,
property, married, heterosexual and educated. Those who do not fit within
the dominant conceptual framework often become othered and excluded. This
is the case for women who experience sexual assault (Coates and Ripley), abuse
(Rosenberg), sexual harassment (Profitt) or even addiction (Toner), all of which
appear in this volume.

To summarize, much consciousness raising in the women’s movement for
social change (for example, Betty Friedan’s *The Feminine Mystique*, Simone de
Beauvoir’s *The Second Sex*, Germaine Greer’s *The Female Eunuch*, Del Martin and
Phyllis Lyon’s *Battered Wives*, Ti Grace Atkinson’s *Amazon Odyssey*, Mary Daly’s
*Gyn Ecology*) drew upon stories women told of how they resisted male domina-
tion. These political analyses allowed women to document experience and make
connections with other women so that the personal became the political, in
the process breaking down barriers between women and providing alternative
methods of resistance and survival. However, fractures in the women’s movement
challenged these political alliances, threatening to disconnect women from each
other over issues of identity, location, class and race. Feminist theory became
weakened as it attempted to be too many things to too many diverse groups.
Further, it became evident that feminist theory may “need” victims perhaps a
little too much.

What we mean by this is that victim precipitation models that fail to in-
vestigate context, specificity and intersectionality have ended up labelling and
re-imposing social control mechanisms (Elias 1993). What is problematic about
this direction is not the presence of victims but the absence of chronology;
the treatment of victimization as fixed, rather than fluid, as a state of being,
rather than a “journey of life” process. Simply put, victims do not stay victims.
They heal, regroup, move on (Profitt 2000). Those who do not move on, who
stay crippled by the experience, are a minority. An example that flies directly in the face of the construction of victim is included in recent work (Jeffrey and MacDonald 2006) on sex workers. Radical theory encourages us to transform our thinking about women and men who work in the sex trade, educating us about the workers’ agency to organize, unionize and enjoy the work that they do, a far cry from the victimization model consistently used by feminists (LeMonchek 1997; Jeffrey and MacDonald 2006).

Agency, for feminist theorists, has been “embodied” in the subject of dissent and enacted, at times, through political protest (Parkins 2000; Stern 2000). It may be that second- and third-wave feminisms have more in common than they believe. Resistance can include both an understanding of the institutional and personal oppressions women experience while at the same time providing options for self-determination, through individual identity, or political and/or collective social movements.

**New Social Movements**

Those who criticize the apolitical nature of (some) new social movements tend to see modern society as predominantly capitalist. Although they may have transcended traditional Marxist positions on the role of “old social movements” they remain wedded to a conception of capitalism as a systemic form of domination that must ultimately be challenged in political terms. (Buechler 1995: 453)

Despite the contention that there has been a “fall” from collective to individual resistance there is no consensus that this fall from grace ever took place. Historian Charles Tilly documents a long history of social movement in the West as a result of large-scale social changes and political conditions, so that “social movements still select tactics from essentially the same repertoire of contention that became established in the nineteenth century” (quoted in Staggenborg 2008: 4). According to Tilly, “social movements are one form of contentious politics,” which included “special-purpose associations or coalitions and engaged in strategies such as demonstrations, petition drives, public statements, and meetings — various tactics that make up the modern social movement repertoire” (5). “Based on this contentious politics approach, Sidney Tarrow (1998: 4) provides a succinct definition of social movements as ‘collective challenges, based on common purposes and social solidarities, in sustained interaction with elites, opponents, and authorities’” (Staggenborg 2008: 5). Suzanne Staggenborg argues that it is necessary to consider the historical context of the multiplicity of modern social movement themes and forms of agitation. She concludes that modern social movements are extensions of, rather than apolitical and ahistorical forms of, contentious politics.

Given the historical lineage of social movements and their common characteristics over time, the argument that an economic class base is required to drive collective action requires reassessment. Rather than reject economic issues,
new social movements extend the focus on class to include claims for recognition of environmental issues, globalization, feminism, gay and lesbian issues, and Aboriginal protest (Larana, Johnston and Gusfield 1994; Mooers and Sears 1997; Kauffman 1990; Staggenborg 2008; Buechler 1995; Marcus 1982; Kaplan 1979, Ramos 2008).

However, Steven M. Buechler (1995: 450) thinks that there is little consensus on anything to do with new social movement theories in relation to older Left leaning forms of political activism. New social movements may be part of a cycle of movements — drawing from the cycle of protest in the sixties and seventies influenced by the New Left and feminism. Buechler argues that unfortunate dichotomies are created when theorists try to define what is political versus what is cultural. Buechler agrees with McAdam (1994) that “all movements are cultural in some way” (Buechler 1995: 451). All movements play a representational or symbolic function. Buechler writes: “all movements take explicit or implicit political stances… [and] are complex and cannot be explained using inflexible binaries” (451).

A number of characteristics of new social movement theories validate the cultural theoretical perspective. First, such theories “represent a major form of social activism whose social base is sometimes best defined in something other than class terms, whether that be gender, ethnicity, race, sexuality, or age” (Buechler 1995: 456). Second, these theories “may be best characterized not in terms of a social base rooted in conventional statuses, but rather in terms of values and goods with which participants agree” (456). Third, despite the criticism of a lack of class base, “there does appear to be an elective affinity between a middle-class location and new social movements” (456). Finally, Buechler concludes that there is no one new social movement theory but multiple theories and he proposes a typology, an “ideal typical sensitizing construct,” a heuristic tool. Buechler divides new social movement theories into political and cultural versions, which are not mutually exclusive but rather have related characteristics that overlap (457).

### New Social Movements and Feminism

According to Suzanne Staggenborg (2008: 23, Table 2.1.) new social movement theories originate in large-scale social and political changes and the mobilization of everyday networks and organizational structures motivated by new types of grievances. An important feature of new social movements is their international collective identity, known as the global justice movement, which utilizes submerged networks and new types of structures, constituents and ideologies. The key outcomes are new types of values, identities and organizations using diverse cultural innovations.

Staggenborg explains how resistance to neo-liberal policies is a key factor in the development of the global justice movement (127). This movement and its allies (feminists, environmentalists, labour activists, students, community activists, churches, Aboriginal peoples) grew out of resistance to neo-liberal economic policies. The actors include the concerned citizens who organized
coalitions against the Canada–U.S. Free Trade Agreement, both nationally and transnationally, those who opposed the Meech Lake Accord (Hampton 2008) and people working in environmental struggles. Coalition building increased with the formation of the Council for Canadians, which shifted the focus from Canada to the international concerns of safe water, for example. All such coalitions were concerned with extending social justice. Staggenborg thinks that submerged networks are critical to the success of the global women’s movement, as well as many other initiatives, such as cultural and political activities “connecting issues of sexism with interlocking oppressions of race, class, and sexuality in cultural and political projects” (85).

Staggenborg calls third-wave feminism the global women’s movement because it focuses on international issues, including violence against women and reproductive rights (81–87). The global women’s movement includes transnational women’s networks formed via the U.N. and NGOs, a focus on economic issues that connect the personal with the political, a critique of policies associated with neo-liberalism and resulting economic strategies and an analysis of how “women’s unpaid labour is required to compensate for cutbacks in government services and how these economic policies affected the everyday lives of poor women” (82–83). Staggenborg defines the global justice movement as a transnational movement that “began linking various socio-economic and political problems to neo-liberal policies” (127). Activists created a master frame “that diagnosed specific problems as consequences of neo-liberalism and its practice by international financial institutions (Ayres 2004, 2005)” (Staggenborg 2008: 127). Examples of strategies include the use of the Internet to raise awareness and make global linkages, raising public awareness of the poverty-enhancing effects of neo-liberal policies, and political acts using new cultural forms. Tactics such as parallel summits, blockades, teach-ins, street theatre, rallies, protests and marches provide non-violent ways in which to challenge World Trade Organisation reform and support the dismantling of capitalism. Demonstrations challenge the exploitation of sweatshop workers and promote a global living wage, ethical trading and anti-corporate activity (Naomi Klein 2001). The result is a diverse anti-sweatshop global movement forging alliances with unions, environmentalists, students, feminists and community activists to lobby against lack of workplace standards and exploitation of women in developing countries (Staggenborg 2008: 135). Staggenborg sees a difference between second-wave feminists, who initiated the idea of the personal being political, and international feminists, who expand “on this insight to connect macro-level economic policies to women’s everyday lives (Antrobus 2004: 45)” (34).

The global justice movement has been successful for a number of reasons, not least of which has been the creation of international linkages that raise awareness of the exploitation of workers and the environment by international trade and monetary practices. In doing so, the global justice movement has utilized a number of political strategies and cultural forms to challenge the negative impacts of global capitalism.
This book brings together numerous strategies of resistance that women use when confronted with the obstacles of patriarchal practices. The stories, studies, and practices herein speak volumes to the courage, persistence and patience of women’s resistance to the label “victim.” These women resist institutional structures, social norms, and legal codes in order to change the circumstances of their lives. We found these chapters, these practices and these stories fairly surprising, sometimes shocking and always inspiring. It is our sincere hope that all who read this book will experience the same.

Notes
1. Many women still cringe when they are called “baby.” During a 1984 question period exchange in the House of Commons, cabinet minister John Crosbie told Liberal MP Sheila Copps to “just quiet down, baby.” Copps replied, “I am 32 years old, I am an elected Member of Parliament from Hamilton East, and I’m nobody’s baby.” Many women reject being infantalized because such treatment is demeaning and sexist. (Trimble and Arscott 2003: 2–3).
2. Shambhala Publications, which also produces a magazine called *Shambhala Sun*, routinely runs book advertisements on mindfulness, graceful death, practising peace in times of war and so on. It also includes articles on such legends as renowned Buddhist nun Pema Chodron, who has written many books, including *When Things Fall Apart*, on the ability of individuals to practise peace, calm and mindful attention as ways to overcome life’s problems.