

California Western Law Review

Volume 33
Number 2 *Symposium: Towards a Radical and
Plural Democracy*

Article 2

1997

Foreward: Towards a Radical and Plural Democracy

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Recommended Citation

Chang, Robert S. (1997) "Foreward: Towards a Radical and Plural Democracy," *California Western Law Review*. Vol. 33 : No. 2 , Article 2.

Available at: <https://scholarlycommons.law.cwsl.edu/cwlr/vol33/iss2/2>

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CALIFORNIA WESTERN LAW REVIEW

VOLUME 33

SPRING 1997

NUMBER 2

FOREWORD:

TOWARDS A RADICAL AND PLURAL DEMOCRACY

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In the face of the project for the reconstruction of a hierarchic society, the alternative of the Left should consist of locating itself fully in the field of the democratic revolution and expanding the chains of equivalents between the different struggles against oppression. *The task of the Left therefore cannot be to renounce liberal-democratic ideology, but on the contrary, to deepen and expand it in the direction of a radical and plural democracy.*

—Ernesto Laclau and Chantal Mouffe¹

This Symposium takes its title from Ernesto Laclau and Chantal Mouffe, who argue for a radical and plural democracy. But what do they mean by a radical and plural democracy? Isn't democracy, by its very nature, already plural? And by being plural, isn't democracy already radical? Perhaps this is true in the abstract sense, but the democratic experiment called the United States has had great difficulty incorporating the difference.² When the Founding Fathers gathered together at the Constitutional Convention, they had a very narrow vision of who would be allowed to participate in their

* Associate Professor, California Western School of Law. I'd like to thank Dean Steven Smith for his generous support that made this Symposium possible. Special thanks to my colleague Laura Padilla who helped organize the Symposium.

1. ERNESTO LACLAU & CHANTAL MOUFFE, *HEGEMONY AND SOCIALIST STRATEGY: TOWARDS A RADICAL DEMOCRATIC POLITICS* 176 (1985).

2. See generally RODOLFO ACUNA, *OCCUPIED AMERICA: A HISTORY OF CHICANOS* (3d ed., 1988); DERRICK BELL, *RACE, RACISM AND AMERICAN LAW* (3d ed. 1992); KATHARINE T. BARTLETT & ROSANNE KENNEDY EDS., *FEMINIST LEGAL THEORY: READINGS IN LAW AND GENDER* (1991); SUCHENG CHAN, *ASIAN AMERICANS: AN INTERPRETIVE HISTORY* (1991); Francisco Valdes, *Queers, Sissies, Dykes, and Tomboys: Deconstructing the Conflation of "Sex," "Gender," and "Sexual Orientation" in Euro-American Law and Society*, 83 CAL. L. REV. 1 (1995); Robert A. Williams, Jr., *Documents of Barbarism: The Contemporary Legacy of European Racism and Colonialism in the Narrative Traditions of Federal Indian Law*, 31 ARIZ. L. REV. 237 (1989).

democratic revolution.³ It was limited in large part to straight, White, propertied males.⁴ Although there has been much progress since then, we are still haunted by their narrow vision. We have inherited a society that is divided by severe inequality along the lines of race, ethnicity, gender, sexual orientation, and class. How then are we to negotiate this potentially explosive situation?⁵

This Symposium has brought together scholars working within various critical legal genres who will examine points of convergence and divergence between and among various communities as we struggle to seek equality in U.S. law and society.⁶ Scholars working within Asian-American legal scholarship, critical legal studies, critical race theory, queer legal theory, feminist legal theory, and LatCrit theory have come together for conversation, a conversation that is crucial as we negotiate the heightened tensions in our increasingly diverse society as we near the close of the century.

The first panel⁷ will explore forms of citizenship. In order to bring about a radical and plural democracy, we must understand citizenship as meaning something beyond formal membership in the nation state. We might understand full citizenship to include political, economic, and social participation in America. The panelists will examine various forms of citizenship within the context of specific issues.

The second panel⁸ will then examine positive programs to promote greater participation of the disfranchised.

The third panel⁹ is entitled, Towards Interest Convergence. Derrick Bell has hypothesized that advances for minorities seem to occur when it is in the self-interest of the dominant group.¹⁰ With the recognition that changes in demographics have transformed America, civil rights work and legal scholarship must respond to the divide-and-conquer strategy used to prevent the disfranchised from organizing together. This panel addresses the challenge to organize the disfranchised around a set of common political interests, articulating a notion of identity based on political commitments rather than essential identity politics.

3. See generally JAMES MADISON, DEBATES IN THE FEDERAL CONVENTION OF 1787 (Gaillard Hunt & James B. Scott eds., 1987).

4. *Id.*

5. The most recent, and certainly not the last, explosion took place in Los Angeles and to a limited extent in other urban venues in the days following the acquittal of four White policemen who beat Rodney King, a Black man. See *Symposium: Los Angeles, April 29, 1992 and Beyond: The Law, Issues, and Perspectives*, 66 S. CAL. L. REV. 1313 (1993).

6. The symposium participants were as follows: Keith Aoki, Margaret Chon, Barbara Cox, Jerome Culp, Adrienne Davis, Ibrahim Gassama, Neil Gotanda, Marina Hsieh, Todd Hughes, Lisa Iglesias, Lisa Ikemoto, Gary Minda, Yxta Maya Murray, Kellye Testy, Francisco Valdes, Robert Westley, and Stephanie Wildman.

7. Margaret Chon and Barbara Cox.

8. Todd Hughes and Gary Minda.

9. Keith Aoki, Yxta Maya Murray, and Kellye Testy.

10. Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518 (1980).

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Chantal Mouffe identified the objective of a radical and plural democracy as “none other than the goal Tocqueville perceived as that of democratic peoples, that ultimate point where freedom and equality meet and fuse, where people ‘will be perfectly free because they are entirely equal, and where they will all be perfectly equal because they are entirely free.’”¹¹ For too long, we have been satisfied with formal equality, which gives short shrift to freedom. This Symposium challenges this impoverished form of equality. It attempts to move us towards a fusion of freedom and equality, towards a radical and plural democracy.

11. CHANTAL MOUFFE, HEGEMONY AND NEW POLITICAL SUBJECTS: TOWARD A NEW CONCEPT OF DEMOCRACY, IN *MARXISM AND THE INTERPRETATION OF CULTURE* 89, 101 (Cary Nelson & Lawrence Grossberg eds., 1988). The Symposium participants were asked to engage with this essay in their presentations.

