



Sexuate Difference, Sovereignty and Colonialism: Reading Luce Irigaray with Irene Watson

Laura Roberts¹ 

Accepted: 4 April 2022 / Published online: 27 April 2022
© The Author(s) 2022

In a 1996 article exploring Irigarayan sexuate rights Gail Schwab asks a question, posed from a US perspective which seems eerily relevant today, ‘are we really now, have we ever been, a democracy?’ (Schwab, 1996). I was born in a country that was not a democracy. I grew up in a country where the violent struggle for democracy engulfed us all. Two years before Gail Schwab’s paper was published, in 1994, the country transitioned to democracy, the ‘New South Africa’, ‘The Rainbow Nation’. This transition is seen largely by people outside of the country as a peaceful successful transition. To think critically, however, about who this new democratic system serves (and who it excludes) one only has to look at the Rhodes Must Fall protests, started by a collective of ‘Black feminists, Black womxn and queer people’ that took hold of university campuses in 2015.¹ Democracy did not resolve the violence against women, gender diverse and queer folks that still rages in South Africa. Democracy does not seem to be working in favour of the reproductive rights for many women in the USA, it does not seem to be helping the two women killed per week by a partner or ex-partner in the UK and Australia. Neither is it serving the unarmed Black men, women and children murdered by police officers in the USA. Australia, recognised as a democracy, and the

¹ As South Africa was celebrating two decades of democracy, students at the University of Cape Town began calling attention to the lack of any real transformation in the university. As Kealeboga Ramaru writes:

Black students spoke of the systematic exclusion that manifested itself through a Eurocentric curriculum, minimal staff transformation – where the majority of academics in senior positions and management were white – and, more shocking, that the University of Cape Town did not have a Black Womxn professor in 2015. Students also spoke about the physical and existential exclusion that manifested itself through the culture of the University, which creates comfort for white, middle-class, heterosexual students, and causes great discomfort for students who do not fit the mould. The names of buildings and symbols were also an aspect of exclusion. The statue of Cecil John Rhodes which occupied the centre of the campus was a representation of all of these things to the students and its removal became an important start to the decolonial project. (Ramaru, 2017, p. 90).

✉ Laura Roberts
laura.roberts@flinders.edu.au

¹ Women’s and Gender Studies, Flinders University, Adelaide, Australia

country where I now live, is the only Commonwealth country without a treaty with First Nations Indigenous peoples, indeed the Uluru statement calling for a First Nations Voice in the Australian Constitution and a parliamentary body that would oversee a treaty process was rejected by the prime minister in 2017.² There have been over 470 Aboriginal deaths in police custody since the Royal Commission in 1991 without a single conviction (Dick, 2020). Indigenous people are overrepresented in the prison system with Aboriginal and Torres Strait Islander women 21 times more likely to be in custody than non-Indigenous women (Russell & Cunneen, 2018). Asylum seekers are routinely refused asylum and remain locked up and stateless on our watch. The principle of equality foundational to liberalism and underlying democratic political systems does not seem to be serving all of us. Given these dire examples, we might ask what good is philosophy in these contexts? And indeed, why critique the principle of equality? In response to these questions, this paper hopes to demonstrate why a critique of democracy and the principle of equality is crucial to understanding the continuing violence of systemic sexism, racism and ongoing coloniality in many western liberal democracies which continue to dehumanise certain groups of people. In reading Irene Watson's decolonial challenges to the ongoing colonial project of the Australian nation state alongside Luce Irigaray's articulation of western culture as a culture of sameness undergirded by a monologic which refuses ethical and relational difference, this paper aims to demonstrate the philosophical and political significance of these critiques of democracy and equality.³ This paper places the work of these two thinkers in plurilogue, 'a non-hierarchical relationship of knowledge creation' in which dissonant voices find common ground in the 'struggles they are discussing' (Ramos & Roberts, 2021). In plurilogue, 'there is a commitment to honouring the complexity of all participants' (Ramos & Roberts, 2021). I frame this encounter as plurilogue in the hope of furthering an 'edifying conversation', borrowing this notion from Michelle Boulous Walker (2022). Boulous Walker describes edifying conversations as 'practical enactments of justice and ethics' and 'ethical performances' (Boulous Walker, 2022). They are 'encounters that work to promote engagement and exploration, providing opportunities for a responsive and relational ethics. This differs from critique, though it by no means stands in for or displaces it.' (Boulous Walker, 2022). Moreover, in reading these thinkers in plurilogue, recognising the differences in politics of location that emerge in this framing of an ethical encounter, we might allow ourselves to imagine moving toward a horizon of ethical relational co-existence. We must recognise, however, the risks of reading a European philosopher alongside Irene Watson, a sovereign Aboriginal woman. We must recognise the danger of assimilating Watson's work to a European centre, which is why we must be explicit in how we read these thinkers in plurilogue, in an ethical encounter that does not privilege a western epistemology or ontology. These edifying conversations, however, are difficult to stage within

² <https://www.referendumcouncil.org.au/final-report.html#toc-anchor-ulurustatement-from-the-heart>

³ In the Australian context there is a growing interest in reading Irigaray's philosophy in conversation with various Indigenous scholars. Joanne Faulkner reads Irene Watson's work with Luce Irigaray's in an illuminating paper "Settler-Colonialism's 'Miscarriage': thinking the failure of relationality through Irigaray's 'interval'" (2019). Rebecca Hill's chapter in Gail Schwab (2020) makes connections with Irigaray's work and Aboriginal ontologies, reading Waayni woman Alexis Wright's novel *The Swan Book* alongside some of Irigaray's main concepts. In this special issue, we see Michelle Boulous Walker's paper engage Irigaray in conversation with Mary Graham and in *Irigaray and Politics* 2019 I read Irigaray's work alongside some main themes in decolonial thought.

academic discourse and so perhaps this edifying conversation fails, perhaps we must recognise this as an (im)possible conversation (Watson, 2007) and, perhaps, the recognition of this failure is the limit required to turn toward ethical co-existence in difference.

Irene Watson is a member of the Tanganekald, Meintangk Boandik First Nations Peoples of the Coorong and the southeast of South Australia, and is writing from a different context and with differing aims to Irigaray's project. And, while Watson poses a similar critique of liberal understandings of equality and liberal democracy to Irigaray, Watson lives, survives and writes as a sovereign Aboriginal woman within the ongoing colonial project at work in the settler nation state of Australia. Watson's writings question the use of the ideal of equality to challenge the continuing legacies of colonialism and the power of the 'dominant White male' in contemporary Australia (Watson, 1998, p. 29). Moreover, in Watson's (1998) article 'Power of the Muldarbi', she further makes the point that certain White feminist struggles for equality collude with the colonial state institutions to erase Indigenous women's law (and thus questions of sexual difference and gendered business which are central to many Indigenous cultures in Australia).⁴ In reading Watson's work alongside Irigaray's, this paper aims to demonstrate the importance of taking both Irigaray and Watson's criticisms of equality and their respective proposed alternatives of sexuate rights (Irigaray) and decolonisation (Watson) seriously.⁵ Further,

⁴ A note on language: Following Irigaray, I move between using 'sexual difference' and 'sexuate difference' in this paper but I want to make clear that neither phrase, for Irigaray, refers to a simple biological difference between sexes. This is not the way Irigaray understands sexual/sexuate difference, and it is also unhelpful (and incorrect) to read Watson's work on gendered business/sexual difference within Indigenous cultures as signalling an exclusionary understanding of a hierarchal biological sexual difference. First Nations cultures around the world have long recognised and celebrated sex/gender diversity and I am not making any claims here as to what defines Men's or Women's Business in these contexts. Rather, I want to make clear that the links I am making with Irigaray's philosophy do not refer to a reductive biological difference between sexes; it is difference irreducible to biology. Further, my usage of 'feminine' and 'female' does not equate to a gender expression nor simple biology. Elizabeth Grosz reminds us that Irigaray is interested in questions of morphology, 'because it is a way of asking, not if there is something in the bodies of all women that they have in common, but whether there is something in the cultural representation of those bodies that they all have in common' (Cheah & Grosz, 1998, p. 22). In relation to this, Grosz argues that Irigaray's writing deliberately occupies the slippage between terms such as Woman, women and feminine. Grosz writes: 'What seems interesting and productive about Irigaray is that she occupies the space of the slippage between "the feminine" and "women." She rarely talks about "women." She sometimes talks about "Woman," but usually quite critically, and she often talks about "the feminine," but somehow, she's talking about the interlacing of and slippage between the three terms.' (Cheah & Grosz, 1998, p. 2). Similarly, in more recent work, Irigaray moves between the use of the terms sexual and sexuate. She uses sexuate to recognise differences in sex/gender without reducing these differences to biology. Much has been written on this issue of biological essentialism and I do not wish unpack these debates here. I want to make clear that my reading of both Irigaray's work on sexual/sexuate difference and my reading of Watson's work on women's law is not referring to a simple understanding of sexual/sexuate difference as biology. Further reading: Margaret Whitford (1991a) and Rachel Jones (2011).

⁵ Irigaray's use of rights-based language is somewhat misleading. As we will see in a moment, she is not advocating a liberal feminist call that women's rights are human rights, rather the call for sexuate rights is a philosophical project that might be better articulated as women's law; it is a challenge to the phallogocentric logics of the undergird liberalism and a refusal of the masculine social contract. Catherine Carol elucidates this connection in her excellent PhD thesis 'Women's Law: Luce Irigaray and Sexed Rights and Responsibilities' (2020) in which she examines Luce Irigaray's notion of sexuate rights. In chapter five of her PhD Thesis Catherine Carol suggests using the concept of women's law rather than sexed rights to understand Irigaray's work on this issue arguing that while 'Irigaray attempts to counter the liberal rights of modernity [...] the concept of women's law or female law achieves what Irigaray intends in a much better way' (Carol, 2020, p. 21). For another insightful analysis that articulates the ways in which we must not understand Irigarayan sexuate rights as liberal rights, see Linda Zerilli (2004).

appreciating Irigaray's call for sexuate rights in the context of Watson's work on Indigenous women's law adds another layer to this analysis.

The paper will first outline Irigaray's critique of western philosophy and her call for sexuate rights which are designed to bring attention to the violent monologic of sameness that undergirds western democracy and to resist assimilation into this monologic. I then turn to Aileen Moreton-Robinson, a Goenpul woman of the Quandamooka people in Moreton Bay, whose work on Indigenous sovereignty provides context for Watson's critiques of White feminism and the project of reconciliation in Australia. In placing these thinkers in conversation, we can appreciate how Watson's multifaceted critique of both White feminism and narratives of reconciliation is comparable to and yet, importantly, goes beyond Irigaray's critique of equality when both thinkers ask, from their differing social locations, 'what are we claiming to be equal to?' I thus read Watson's call to decolonise as a jamming of the theoretical and political machinery of contemporary patriarchal and colonial Australia or to use Moreton-Robinson's phrase: 'patriarchal white sovereignty' (Moreton-Robinson, 2007). In reading these thinkers together, this paper aims to illustrate the force of both projects and the urgency of a philosophical analysis of patriarchal coloniality. Ultimately, these thinkers offer a complex and timely critique of western liberal democracy and reading their ideas together makes these critiques all the more compelling.

Irigaray's Critique of Western Philosophy

Irigaray's critique of western philosophy insists that through the continued and ongoing erasure of feminine genealogies, a non-hierarchical and relational sexuate difference has been silenced in western culture and this silencing results in the erasure of an autonomous female subject position. On this point, Irigaray follows Simone de Beauvoir's claim that 'humanity is male and man defines woman not in herself but as relative to him; she is not regarded as an autonomous being... He is the Subject, he is the Absolute—she is the Other' (Beauvoir, 1983, p. 16). Irigaray's analysis and response to this problem, however, differs from Beauvoir's. Irigaray's project focuses on the question of sexual difference and is concerned with the erasure of an autonomous female subject position in philosophy, in culture, in law, and various myth making discourses, as well as the silencing of female genealogies, histories and stories that go along with this. Irigaray's project is critical as well as creative. Using various methods and strategies including the call for sexuate rights, Irigaray works to challenge patriarchal logics that erase this female subject position. Her philosophy thus works to refigure subjectivity as sexuate and to imagine relational embodied sexuate subject positions through a philosophy of sexuate difference. Irigaray's call to recognise sexuate difference is not a prescription of how to live one's sex or gender. Neither is it a striving for equality with this idea of the (masculine) Human. Rather, an Irigarayan philosophy of sexuate difference involves a critique of liberal notions of equality as well as the social and political structures (e.g. democracy) this idea founds and upholds. Irigaray's call for sexuate rights must be understood in the context of this overall project and her critique of notions of equality, which she views as a reduction to sameness. My discussion here thus seeks to illustrate how Irigaray's call for sexuate rights to protect women's right to

life, her right to human dignity and self-determination is designed to bring attention to the violent monologic of sameness which undergirds western democracy rather than a more traditional or reformist claim about women's rights (Zerilli, 2004).

The Emergence of Patriarchy and the Erasure of Female Genealogies

Irigaray's understanding of the silencing of sexual difference is closely tied to her notion of the social imaginary and the symbolic. Irigaray recognises a cultural or social imaginary (always at work in relation to a symbolic) which forms our subjectivity and determines how we interpret and evaluate the world (Khader, 2008, p. 56; Whitford, 1991a; Roberts, 2019). This cultural imaginary includes 'more than theoretical assumptions... [it includes] a complex of powerful images, unconscious pathologies, and empirical power relations that allow some sets of representations to operate unchallenged and others to be challenged with disproportionate frequency' (Khader, 2008, p. 56). Irigaray's cultural imaginary is mythic 'in that it expresses fundamental conceptions most fully in actual myths' (Khader, 2008, p. 56). Serene Khader notes:

Western myths, particularly those bequeathed to us by ancient Greece, were instantiated in a period of violent transition from matriarchal to patriarchal culture. Because of this, these myths function partly to represent the world—and women in particular—in a way that corroborates patriarchy. Irigaray often uncovers the traces of Greek myths in contemporary representations of women. She demonstrates, for example, the basis of the degradation of maternity to noncontribution in the *Oresteia* (1993c, 11). She also suggests that the legal conception of children as property begins in the myth of Persephone (1994, 108). (Khader, 2008, p. 56)⁶

In 'How to define Sexuate Rights?', Irigaray suggests that we read the tragedy of Antigone as representing 'a transition to patriarchy' (in western traditions) which 'forbids the daughter to respect the ties of blood with her mother' (Irigaray, 1991b, p. 199). Irigaray writes that when 'patriarchy is established, the daughter is separated from her mother and, more generally, from her family. She is transplanted into the genealogy of her husband, must live in his house, must bear his name, and so must her children etc.' (Irigaray, 1991b, p.

⁶ Athena Athanasiou and Elena Tzelepis comment on Irigaray's use of myth as a disruptive strategy. They write:

'In Irigaray's hands, myth is motivated, and proposed to us, as a route for refiguring sexual difference. In her later work, a more constructive and positive use of myths emerges in the context of her affirmative, recreative articulation of female genealogies deriving from a pre-Hellenic matrix. From the authorial and authoritative logos of male philosophers Plato and Aristotle, Irigaray shifts to female figures emerging from the more polylogic horizon of mythology: Demeter and Persephone, Eurydice' (Athanasiou & Tzelepis, 2010, pp. 5–6). Gail Schwab also reminds us that Irigaray argues that the founding sacrifice of western culture is not the 'execution of the father' rather it is 'the sacrifice of the mother' (1996, p. 168). Schwab notes: 'Many writers – for example Freud, Levi-Strauss, Girard, Lacan, Derrida, Kristeva – reach the point of claiming that *in the beginning*, social relations were cemented through the exclusion, or the sacrifice, of something or someone... Irigaray deconstructs these types of mythical narratives representing the execution of the father as the foundational act of culture, showing that they are veils covering over the death of the mother. The founding sacrifice is the sacrifice of the mother' (Schwab, 1996, p. 168). For more on Irigaray's myth making discourse see Roberts (2019).

199). The possibility of a civil identity in the feminine, Woman as political Subject, is thus erased and reduced to the private realm of the family. The transition to patriarchy, according to Irigaray, covers over the female genealogies of mother-daughter relations and thus any civil public relations between and amongst women and consequently between women and men. This is the erasure of a culture and politics of sexuate difference and the emergence of sameness. The emergence of patriarchy in western thought and culture is thus represented by the collapsing of male and female genealogies 'into a single genealogy: that of the *husband*' (Irigaray, 1991b, p. 200). Irigaray thus argues that origins of the western family (the emergence of the genealogy of the husband) in western discourse and culture, 'is there to serve possessions, the material patrimony and the reproduction of children. It is not a cell in which individual differences are respected and cultivated' (Irigaray, 1991b, p. 201). Irigaray's claim here is that the existence of a non-hierarchical difference between masculine and feminine genealogies and cultures is erased in the origin myths of the western patriarchal family when these different *genres* are subsumed by the genealogy of the husband. With the emergence of patriarchy, there is an erasure of all non-hierarchical difference.⁷ Irigaray's particular understanding of the cultural imaginary in western culture supports the argument which she makes throughout her work, that the theoretical perspectives, pathologies and complex images which form the western cultural imaginary actively silences sexuate difference, or Woman as Subject (with her own culture/language/history/genealogy/law). Furthermore, this erasure of Woman as Subject, and a culture of sexuate difference, also has important consequences for co-existing in difference with other cultures and non-human environments. Irigaray's reading of Antigone is one such example that supports her argument that western thought can be seen to be undergirded by a logic of sameness that silences and covers over an autonomous female subject position in culture.⁸ This is what Irigaray means when she argues the question of sexuate difference is erased and

⁷ Crucially, as we will see in a moment, Irene Watson's work touches on Irigaray's argument here about the erasure of sexual difference in western culture in her discussions and framing of Indigenous women's law. Using Irigaray's critique which details the ways feminine genealogies are subsumed into a single masculine narrative, Watson notes that not only does western patriarchy cover over questions of sexual difference; it also continually attempts to erase the "totality of laws of indigenous peoples [which] have been treated as mythical representations of reality a time in prehistory, and thus demeaned and dismantled (Watson, 1998, p. 29). Watson thus importantly goes beyond Irigaray's thinking to demonstrate the multiple silencing and erasure of both 'Aboriginal and woman' (Watson, 1998, p. 36).

We can also see the links here that Irigaray is making between the emergence of patriarchy and the emergence of capitalism but this connection is not the focus of this paper. For more on this, see Roberts (2019).

⁸ In response to the criticism that Irigaray's account of western philosophy is too homogenous, I turn to Kate Ince's response to Christine Battersby on this point. Ince writes: 'Battersby, interestingly, looks to a combination of Irigaray and Foucault to articulate what she terms the singularity of the female subject-position, arguing that Foucault's work is necessary to counterbalance an account of the history of Western philosophy and culture that in Irigaray's account is 'too homogeneous' (Battersby 2011: 136), a 'monolithic view' of the past that 'plays down the achievements of past and present women artists, writers and also philosophers' (Battersby 2011). Foucault certainly supplies historicity to an account of the history of philosophy that can sometimes make it seem that everything remains to be done, but Irigaray's ethics of sexuate difference insists on an enunciation in the feminine that is entirely lacking from Foucault's ethics' (Ince, 2017, p. 25).

silenced in western thought and culture. For Irigaray, the response to attempted erasure is not to advocate for formal equality. Instead, Irigaray offers a critique of democracy and equality, because for her equality reduces difference to sameness and assimilation into a monologic that erases female genealogies, cultures and autonomous sexuate subjectivities, that is, a non-hierarchical sexuate difference. It is this idea that Cheah and Grosz highlight when they note that Irigaray's critique 'involves an exposure of the violent logic of the one, a Platonic monologic that reduces the other to a pale copy of a deficient version of the same' (Cheah & Grosz, 1998, p. 6). This logic of sameness, as Irigaray names it, is 'the theoretical underpinning of a variety of historical patriarchal social and cultural structures as well as phallogocentric discourses on femininity and feminine sexuality' (Cheah & Grosz, 1998, p. 6).⁹ It is her extensive critique of western philosophy as undergirded by a logic of sameness that cannot recognise difference in positive terms that leads Irigaray to formulate a critique of equality and to focus on a philosophy of sexual difference as a possible way out of this bind. This is why sexual difference must be viewed, according to Irigaray, as 'one of the major philosophical issues, if not the issue, of our age' (Irigaray, 1993, p. 5).¹⁰ The solution, however, is not to simply make space for a female subject position within the current logics of western thought. As Irigaray acknowledges: 'the issue is not one of elaborating a new theory of which woman would be the subject or the object, but of jamming the theoretical machinery itself, of suspending its pretension to the production of a truth and of a meaning that are excessively univocal. Which presupposes that women do not aspire simply to be men's equals in knowledge' (Irigaray, 1985, p. 78). Irigaray's critique of equality, then, is fairly straightforward. 'Claiming to be equal to a man', within these logics, 'is a serious ethical mistake' (Irigaray, 1996, p. 27). In 'Equal or Different?', Irigaray explains that 'Demanding equality, as women, seems to me to be an erroneous expression of a real issue. Demanding to be equal presupposes a term of comparison. Equal to what? What do women want to be equal to? Men? A wage? A public position? Equal to what? Why not to themselves?' (Irigaray, 1991a, p. 32).

This critique of equality is a challenge to our conception of liberal democracy, the political institution based on a representative democracy and the idea that each citizen is free and equal and has equal rights under the law. Perhaps, however, before I go any further, I should note that Irigaray maintains equality 'is a useful

⁹ This logic also contributes to the devaluing of nature and the natural world which has important consequences when we consider Irene Watson's work. Grosz and Cheah continue: '...the violent logic of the one that leads to the establishment of patriarchy and the repression of sexual difference is historically coextensive with the human subject's disavowal of his indebtedness to nature and his loss of respect for the nature in himself' (Cheah & Grosz, 1998, p. 6).

¹⁰ In the preface to *Just Life* Mary Rawlinson notes:

'Beyond the material threat of untended bodies, the entry of women into the discursive domains, of science, politics, and philosophy, poses a *philosophical* danger: this transgression of the gender division of labour calls into question the status of Man as the generic figure of the human. If there are at least two, and more, narratives of experience, narratives that cannot be reduced one to the other, philosophy can no longer operate according to the logic of the One or the Same.' (Rawlinson, 2016, p. xiv).

strategy for the time being’ while at the same time criticising ‘the equality principle’ that founds our democratic ideals (Schwab, 1996, p. 152). This is why, instead of claiming equality in this rigged political system, Irigaray argues we require ‘a revolution in thought and ethics’ for the ‘work of sexual difference to take place’ (Irigaray, 1993a, p. 6).¹¹ Irigaray employs various strategies and interventions into western philosophy, discourse, law and politics that seek to disrupt the violent monologic, to jam the theoretical machinery, and to enable the cultivation of new understandings of humanity as relational, sexuante and embodied. The question of sexuante difference is thus not only concerned with symbolic social and political change; it is deeply concerned with reimagining the foundational structures of existence and ways of knowing and, of course, in how we figure subjectivity.

Sexuate Rights and Democracy

Irigaray’s call for sexuante rights is one of the more contentious and perhaps most misunderstood aspect of her larger project of jamming the theoretical machinery and posing a philosophical and political challenge to western thought and democracy. Irigaray offers the articulation of sexuante rights as a concrete and practical strategy that attempts to challenge the cultural imaginary, the violent monologic of the one that covers over difference, and work toward opening spaces where an autonomous female subject can emerge in discourse (and politics and social life).¹² Thinking about what sexuante rights might look like, Irigaray is asked in an interview to give some examples of the way the ‘present law has been created and has evolved to suit men?’ (Irigaray, 1991b, p. 207). She is asked: ‘What would laws based upon sexual difference look like?’ (Irigaray, 1991b, p. 207). Irigaray responds noting that ‘what has to be defined as rights for women is what the people of men, of men-amongst-themselves, has appropriated as its property, including that which concerns women’s bodies, children’s bodies, as well as natural space, dwelling places, the economy of sights and images, social and religious representationally’ (Irigaray, 1991b, pp. 207–208). Irigaray’s call for sexuante rights, and in particular rights for women, is

¹¹ In the preface to *Just Life* and looking at a different consequence to thinking through Irigaray’s critique of equality, although no less relevant, Mary Rawlinson notes:

Proclamations of *equal rights* have failed to ensure equity in pay or a fair share of leadership positions for women, because equality does not address the core problem of integrating work and family. In criticizing a politics of equality, Irigaray articulates the need for gendered rights that recognize the different capacities and destinies of the two sexes. Not only do women under the ideology of equality find themselves saddled with the labour of two genders, but the idea of equality also suggests that justice requires only the extension of the rights of Man, not the articulation of new rights and universals through the voices of women’s experiences and the other experiences that are marginalized under Man’s hegemony (Rawlinson, 2016, p. xiv).

¹² It is in the early 90s that Irigaray begins to offer more concrete political strategies for change although she insists her thinking has always been attentive to issues of law and ‘equitable jurisdiction for both sexes’ (Irigaray, 1991b: 204).

thus a challenge to how she understands laws in which women's bodies, children's bodies and natural space are still conceived of as the property of men.¹³

Irigaray's call for sexuate rights is an attempt to challenge and disrupt one aspect of patriarchy (legal and political institutions) that continuously work to erase an autonomous female subject position from discourse, law and politics, and reduces a female subject position to (sexual or reproductive) object, and views women's bodies (amongst other things, like nature) as possessions and property of 'Man' and the State. Thus, in her analysis of the mythic origins of the family, the transition to patriarchy and the collapsing of masculine and feminine genealogies into the genealogy of the husband, Irigaray points out that within this tradition and within the family, '...rights are unevenly distributed, and they have become mainly duties, especially for women: the duty to have children, sexual duties. No legislation protects women vis-à-vis their lives.' (Irigaray, 1991b, p. 201). In other words, women are always defined in relation to 'Man the Subject', as wife, daughter or mother but never as Woman-Subject with her own civil identity. One of the particular sexuate rights Irigaray argues for is the 'The right to human dignity', which, for Irigaray, means:

- a. stopping the commercial use of their bodies and images;
- b. valid representations of themselves in actions, words and images in all public places; and
- c. stopping the exploitation of motherhood, a functional part of women, by civil and religious powers (Irigaray, 1993b, p. 80).

I am particularly interested in how Irigaray's call for laws to protect women's right to life, her right to human dignity and to self-determination are seen as impossible, as unanswerable questions, 'questions that to be answered would require complete social reorganization' (Cheah & Grosz, 1998, p. 25). Irigaray argues that while we can see the laws pertaining to gender and the relations between and amongst genders are undergoing mutation 'especially in the family, and their relationship with

¹³ Sexuate rights were criticised by prominent US legal philosopher Drucilla Cornell in a 1998 interview (with Judith Butler) on the 'Future of Sexual Difference'. Both Cornell and Butler speak of the importance of Irigaray's early critique of the single subject of western philosophy but are critical of her focus on sexual difference and, Cornell in particular, criticises Irigaray's notion of sexuate rights as conservative, as holding on to some conservative ideas about masculinity and femininity. Australian feminist philosopher Elizabeth Grosz responds to Cornell in this interview noting Irigaray 'is trying to raise unanswerable political questions, questions that to be answered would require complete social reorganization' (Cheah & Grosz, 1998, p. 25). Penelope Deutscher (2000) also argues that we must view Irigaray's call for sexuate rights as part of a much larger project which 'tries to recognise that which cannot be recognised' ('Declaration', 105). Following Grosz and Deutscher, this paper aims to demonstrate that while Irigaray uses the language of rights, intentionally and provocatively, her thinking on sexuate rights is not an argument for women's rights to be recognised in a liberal democratic system. Rather, the thinking through of an Irigarayan sexuate rights would challenge the very foundations of liberal democracy and how we understand equality. Similarly, I think this is the argument that Watson is making about reconciliation and native title in Australia. For current work on Irigarayan sexuate rights, see Catherine Carol's outstanding PhD thesis (2020). Yvette Russell (2013) does some really important work on Irigarayan sexuate rights in connection to rape law in the UK and Serene Khader (2008) has written on Irigarayan sexuate rights and the Father's Rights Movement in the USA.

reproduction', we need to think philosophically about what these laws mean on a broader social scale, in relation to patriarchy, subjectivity, and in relation to the cultural imaginary of western thought (Cheah & Grosz, 1998, p. 25). Irigaray notes:

the laws relating to the obligation to have children, the right to contraception and abortion, choice of surnames for women and children within marriage, the freedom of members of a couple to choose where they live, the pertinence of wages for housework, the length of maternity leave, the protection of women's work, etc. are laws undergoing mutation in our cultures. The totality of these domains is rarely thought in its signification, its distribution. (Irigaray, 1991b, p. 198).

When and if these domains are brought together in this way, complete social reorganisation would be required. Recall, for Irigaray, the violent monologic of the one can only come into play through the erasure of female genealogies in the emergence of patriarchy. Accordingly, these sexuate rights that Irigaray calls for simply could not come into being without a fundamental reorganisation of democracy, of our understanding of equality and thus of society. Sexuate rights cannot simply be included in current conceptions of democratic civil rights because the concept of the atomistic (masculine) liberal subject necessarily rests on the erasure of an autonomous female subjectivity, culture, language and law. Understood in this context, we can thus read Irigaray's call for sexuate rights as designed to bring attention to the violent monologic of one which undergirds western democracy.

Again, I return to Schwab's paper for guidance. Schwab states very clearly that Irigaray's philosophical project is political and involves the 'renewal of the democratic ideal, the recreation of democracy under a new "social contract"' (Schwab, 1996, p. 151). Irigaray's concept of sexuate rights 'is intended to constitute a philosophical foundation for recreating the law, as well as providing a politically strategic means of escape' (Schwab, 1996, p. 154). Schwab notes that Irigaray's argument for equivalent sexuate rights is based on her argument, outlined above, that women's subjectivity 'is erased out of discourse' (Schwab, 1996, p. 159). Given this erasure of women's subjectivity in discourse, notions of equality remain problematic because, as Schwab points out, 'what discourse would be used by governing bodies consisting of 50% women? The only one available is gendered masculine' (Schwab, 1996, p. 159–160). This discourse cannot bring about social change. Schwab writes that until a female 'subjectivity can be brought into discourse, it is not at all clear that in society representation *by* women would actually be representation *of* women, given that the only models of identity and subjectivity we currently have are male. Without some notion of a female identity to serve as a touchstone to measure change against, how could we know if we were even moving in the right direction?' (Schwab, 1996: 159–160). And, on this point, Irigaray writes: 'in the absence of such an order, many people are looking for a non-human source of yardsticks. Man defines himself in terms of his house or his neighbour's house, his car or some other means of locomotion, the number of kilometres his has covered, the number of matches he has played, his favourite animals, his one god, in whose name he kills others and despises women, etc.' (Irigaray, 1991b, p. 206).

Hence, Irigaray's project: we need a symbolic/imaginary, discourse, law and language that nurtures autonomous female subjectivity. We need a female subject position in culture in order to disrupt it (Schwab, 1996, p. 160). We need sexuate rights to re-imagine as well as protect this autonomous female subjectivity—not in some essentialist sense but in the sense of a touchstone or perhaps a new 'horizon'.¹⁴ Schwab points out Irigaray's writing on law and equivalent sexuate rights is part of this project.

The sexuate rights that Irigaray envisages are positive and life affirming—the right to life is the right to one's identity and the right to maintain control over this life as a living human being.¹⁵ These new (positive life affirming) laws would protect women from the 'particular harms they are subject to', of course, but importantly they also 'begin to restructure social relations in their totality' (Schwab, 1996, p. 164). Rather than laws that are based on prohibition such as, for example, abortion laws, we need to think these laws the other way around and write 'positive laws that would actually affirm and protect life, in women, in men, in children, in animals, in nature in general' (Schwab, 1996, p. 163). For example, we need laws that take into account a woman's right to life, to dignity, and this might include her right to overcome her fear and loss of control associated with her unwanted pregnancy. Schwab writes: 'When the right to life is culturally elaborated, extended beyond the simple prohibition, it can then take into account and protect against all threats to bodily integrity and individual control over it' (Schwab, 1996, p. 163). The need 'for new legal narratives' and new discourse becomes clearer as Schwab continues. Schwab writes:

If stories of wife battering, of rape, of unwanted consensual intercourse, of sexual harassment, of imposed child-bearing, can be told from the standpoint of women's subjectivity, then positive laws can be written to protect women's life. . . Cultural elaboration, symbolic development are the key. As women's discourses develop, women will move out of the private domain where they have been hidden, and silenced, and into culture. (Schwab, 1996, p. 163)

Schwab concludes her very detailed discussion of Irigaray's sexuate rights asking, 'Might we now try to conceive of a different law – a law that would found society by serving as a link between persons?' (Schwab, 1996, p. 174). Schwab notes that it would be impossible to say what this law would look like. However, when reading Irigaray's work in this place, on Kurna country in so-called Australia, and

¹⁴ Watson also uses the idea of horizon to describe the force of a patriarchal colonial cultural imaginary from which we need to escape. Watson writes: 'So while the pragmatists who negotiated Native Title on behalf of Aboriginal Australia not only insisted in the erasure of the voices of traditional owners, they also changed nothing that would always remain the same, that is while we remain within the horizon of the muldarbi' (Watson, 1998, p. 43).

¹⁵ The Right to Life: 'the fundamental right to be protected by law is the right to one's own life, to one's own identity – which in Irigarayan terms always means a sexed identity – and includes the right to maintain control over this life and sexed identity' (Schwab, 1996, p. 161).

reading Irene Watson's work on women's law, it becomes clear that in Australia an understanding of a women's law already exists.¹⁶

Before we turn to Irene Watson's work on women's law and sexual difference, I turn briefly to Aileen Moreton-Robinson's articulations of Indigenous sovereignty to give more context to the Australian situation and offer important framing for the complex ways in which Watson's work is positioned in relation to Irigaray's. Moreover, as Moreton-Robinson tells us, there is a body of work on Indigenous sovereignty which has challenged and questioned 'the complexions of the democratic state and the philosophical premises of concepts such as democracy and sovereignty' (Moreton-Robinson, 2007, p. 6). Moreton-Robinson notes that while there is no 'quintessential definition' we can understand Indigenous sovereignty in the following way:

Our sovereignty is embodied, it is ontological (our being) and epistemological (our way of knowing), and it is grounded within complex relations derived from the intersubstantiation of ancestral beings, humans and land. In this sense, our sovereignty is carried by the body and differs from Western constructions of sovereignty, which are predicated on the social contract model, the idea of a unified supreme authority, territorial integrity and individual rights. (Moreton-Robinson, 2007, p. 2)

Moreton-Robinson is clear, 'Indigenous people owned the lands they occupied, and this predates the formation of the nation states that invaded and dispossessed them. Indigenous sovereignty has never been ceded, but this is denied by Australian Law' (Moreton-Robinson, 2007, p. 3). Grounded in these notions of Indigenous sovereignty, this body of work challenges neoliberalism and notions of 'formal equality' which uphold the view that formal equality, citizenship rights and democratic processes are the means to realise Indigenous rights (Moreton-Robinson, 2007, p. 6). Moreton-Robinson carefully explains that this 'new form of neoliberalism promotes formal equality of individuals as it implements economic and social policies that reinforce structural inequalities between Indigenous people and the rest of Australian society' (Moreton-Robinson, 2007, p. 6). This logic of neoliberalism thus enables the (incorrect) argument that poverty is the result of 'cultural traditions' rather than problems with the 'sovereign foundations of democracy itself' (Moreton-Robinson, 2007, p. 7).¹⁷ Speaking

¹⁶ Again, please see Catherine Carol's excellent PhD thesis (2020). As noted earlier, Carol suggests using the concept of women's law rather than sexed rights to understand Irigaray's work on this issue arguing that while 'Irigaray attempts to counter the liberal rights of modernity [...] the concept of women's law or female law achieves what Irigaray intends in a much better way' (Carol, 2020, p. 21). Thinking of Irigaray's work in this way brings her argument much closer to Watson's analysis.

¹⁷ In much of her work, Aileen Morton-Robinson describes how the founding of the Australian nation state and its assumption of patriarchal white sovereignty is tied to both dispossession and possession. The assumption of patriarchal white sovereignty thus forecloses Indigenous sovereignty. She writes, 'Patriarchal white sovereignty is a regime of power that, in the Australian context, derives from the illegal act of possession and is most acutely manifested in the form of the state and the judiciary'. This regime of power 'operates ideologically, materially and discursively to reproduce and maintain its investment in the nation as a white possession' (Moreton-Robinson, 2007, pp. 87-88). For more on this, see Aileen Moreton-Robinson (2015).

from a sovereign Indigenous standpoint, Moreton-Robinson challenges the very notions of democracy and Australian patriarchal white sovereignty. She argues that this formal equality must be challenged because ‘...our citizenship is not predicated on the same basis as everyone else. Our sovereignty has never been ceded and our rights as Indigenous people have yet to be formally recognised. Our rights are not the same as the rights of other citizens’ (Moreton-Robinson, 2007, p. 99). Moreton-Robinson’s work is very helpful here to situate our reading of Irene Watson’s work, and her references to Irigaray’s philosophy of sexuate difference, in the contexts of these debates about Indigenous sovereignty, dispossession and colonialism.

Reconciliation and Equality

In her 1998 article ‘Power of the Muldarbi, The Road to its Demise’, Irene Watson explores the attempted erasure of Indigenous sovereignty through the erasure of Indigenous women’s law and epistemologies of Indigenous and First Nations peoples in Australian political discourse. In more recent work, Watson articulates Indigenous sovereignty through her notion of Raw Law. She writes:

Our First Nations ancestors were once naked. I see a connection in that with our sung laws and the land, all of which are also naked or ‘raw’, undressed from the baggage of colonialism. From my TanganeKald and MeintangK standpoint, what I know as law, what I have named ‘Raw Law’, is unlike the colonial legal systems imposed upon us, for it was not imposed, but rather lived. [...] Knowing law through living, it is different from colonial manifestations of law. [...] The greater part of humanity has come to know ‘law’ as a complex maze of rules and regulations while the body of Raw Law is being buried beneath muldarbi layers of colonialism. (Watson, 2014, p. 12)

The project of decolonising involves, for Watson, ‘resistance to further assimilation into the mind, body and psyche of the state. The idea of naked peoples is about being rendered naked of the colonial legal system, and building resilience and the capacity to shed the colonial ‘cloth’ and the many layers of colonialism’ (Watson, 2014, p. 8).

Interestingly, in her 1998 article, Watson directly engages with the erasure of questions of sexuate difference in her discussions of Indigenous women’s law, offering a critique of colonialism as well as a critique of White liberal feminism. Watson makes the connection between Irigaray’s work on the erasure of mother-daughter genealogies and Indigenous cultures and laws. Watson writes:

The laws of this ruwe [land] (now known of as Australia) have been violated, laws which come from Kaldowinyeri [the beginning of creation]. There is women’s law that still exists despite centuries of violations by the coloniser. This sparsity of women’s law is interpreted as evidence for its non-existence. Irigaray writes about the extinguishment of women’s mother-daughter genealogies and the scientists’ claim that women’s law has ‘never existed except as a

figment of the female or feminist imagination.¹⁸ Similarly the totality of laws of Indigenous peoples have been treated as mythical representations of reality a time in prehistory, and thus demeaned and dismantled. (Watson, 1998, p. 29)

Building on this point, Watson writes that ‘Aboriginal peoples’ are ‘positioned in a space that is short of invisible, and if to appear at all, it has been at the lowest point in its hierarchal ordering of life’ (Watson, 1998, p. 30). Watson then describes an example of a bridge development on land that denied any First Nations connection to country. This example illustrates how the erasure of questions of sexuate difference coupled with the erasure of Indigenous law works within a liberal democracy such as Australia. Watson describes the findings of the Hindmarsh Island Bridge Royal Commission which decided that there ‘was no Aboriginal women’s business—law in the Kumarangk region that would be violated if the bridge was built’ (Watson, 1998, p. 30). Watson explains:

The Commission’s findings were supported by the views of some white male anthropologists. In accord with tradition and law, men do not speak about women’s law. Women can only discuss women’s business—law. The finding that there was an absence of women’s law in the southern region of the state was based primarily on the research of white male anthropologists, and in an Aboriginal context is meaningless. The law of women lives in all places and spaces. (Watson, 1998, p. 30)

Questions of sexuate difference are crucial for women’s law to be seen and recognised as sovereign knowledge; however, as Watson points out, within the colonial and patriarchal logic underpinning liberal democracy and by extension, the Royal Commission, which construct First Nations peoples and epistemologies as ‘just short of invisible’ this women’s law which exists and has always existed, and ‘which lives in all places and spaces’ is rendered invisible and erased (Watson, 1998, p. 30). Watson highlights how this problem of not recognising and erasing women’s law is not considered a problem by the Royal Commission. The Royal Commission, bound by the current law (undergirded by the institution of liberal democracy in Australia), committed to liberal definitions of formal equality that erases sexuate difference is incapable of understanding the complexity of this situation. Similarly, Watson notes that liberal White feminism, bound by colonial logics and this understanding of

¹⁸ Watson references Irigaray’s book *Je, Tu Nous*. I include the full paragraph here:

A new logical order was established, censoring women’s speech and gradually making it inaudible. Through incredible neglect and disregard, patriarchal traditions have wiped out traces of mother-daughter genealogies. Nowadays, the majority of scientists claim, usually in good faith, that these have never existed except as a figment of the female or feminist imagination. Obviously, these scholars (men and women) haven’t studied this question at length; they don’t really know anything about it, yet they take the liberty of passing judgment according to the focus of their own research, without having sufficiently examined our cultural history. This neglect is symptomatic of patriarchal culture. It explains the dereliction and errancy of modern man, who knows nothing of the origins of his relations with the world’ (Irigaray, 1993b, pp.17–18).

equality, also fails to perceive this problem of the erasure of women's law.¹⁹ This is why, I think, Watson references Irigaray's point that 'claiming to be equal to man is a serious ethical mistake' because in claiming equality we remain within this horizon of the Muldarbi, coloniality, that erases both questions of sexuate difference and Indigenous sovereignty.²⁰ Watson asks: 'AND WHEN WHITE WOMEN STRUGGLE FOR EQUALITY I HAVE TO ASK EQUAL TO WHAT?' (Watson, 1998, p. 38). The liberal feminist project is of no use here. Watson argues the White feminist project fails to understand these logics because it remains within the colonial and patriarchal horizon. For Watson, to escape this patriarchal and colonial horizon in Australia, we need to articulate different ways of Being and different epistemologies. We need to recognise Indigenous sovereignty and sexuate difference. To do so, however, requires fundamental social and political reorganisation.

Watson clearly demonstrates the inability for liberal mainstream feminism to articulate the problem of the erasure of women's law in the example of Hindmarsh Bridge. With no understanding or appreciation of the erasure of women's law out of discourse, how can one fight for its visibility? Watson is concerned with the logics at play here, the colonial 'right ways of knowing' which privilege the single male colonial Subject of liberal democracy and silence any other to 'short of invisible'. For Irigaray and for Watson, the argument is not that actual women do not exist, or that female genealogies and law do not exist; they do, but within the patriarchal colonial social imaginary these genealogies, including and especially, Indigenous women's law, are silenced, covered over and ignored. Reading Irigaray alongside Watson, we can appreciate how both thinkers are working toward the philosophical and political jamming of the theoretical machinery. Watson writes 'In terms of women's law there is nothing to be discovered that has not always been known to our old people [...] The process of re-discovering woman's law is the struggle to re-establish a space that is both Aboriginal and woman' (Watson, 1998, p. 36). For Watson, recognising this women's law that has always existed requires a fundamental change to the patriarchal colonial logics. It requires a recognition of Indigenous sovereignty, and challenges to notions of equality and liberal democracy.

Watson's critique of equality extends to important critical analysis of Native Title and reconciliation in Australia. In more recent work, Watson writes that Native Title is 'essential to the colonial regime' and poses 'no challenge to Australian real property law, nor the governance of the state' (Watson, 2005). Native Title, for Watson, provides 'no direction in the "road-map" or journey of de-colonisation' (Watson, 2005, p. 46). Instead, it simply reinforces 'the colonial order and world view' (Watson, 2005, p. 46). According to Watson, Native Title buys into the colonial order because there is no recognition of Indigenous sovereignty; thus, there is no challenge

¹⁹ In the Australian context, this point is important for a number of reasons. In this paper, Watson offers important insights into how White women often played an active part in the violence of colonialism and this analysis offers further support as to why we ought to be very careful of the calls for equality that erase Indigenous voices and perspectives. Aileen Moreton-Robinson's ground-breaking book *Talkin' up to the White Woman* offers an excellent analysis of the problems of white Australian feminism and the histories of violence toward Indigenous communities that certain types of feminisms are implicated in. The Bell-Higgins debate is an important example and for more on this see Moreton-Robinson (2000).

²⁰ Irigaray cited in Watson (1998, p. 38).

made to the underlying colonial patriarchal imaginary. Or, to put this in Moreton-Robinson's terms, Native Title reinforces the assumption of patriarchal white sovereignty and white possessive logics. This is why Watson asks: 'How can you become reconciled with a state and its citizens who have not yet acknowledged your humanity, let alone your status as the first peoples of this conquered land?' (Watson, 2005, p. 43). Reconciliation and Native Title within a colonial horizon fails to recognise Indigenous sovereignty and thus recognising First Nations and Indigenous peoples as sovereign political subjects is impossible within this system (Watson, 2007). As we have seen Watson gesture, this argument resonates with an Irigarayan logic that argues recognising non-hierarchical sexuate difference is impossible without a refiguring of female subjectivity and a culture of non-hierarchical sexuate difference. Indeed, the comparison that Watson makes in her 2014 book *Raw Law* is telling. Watson writes:

The muldarbi [colonialism] works at making all that is Nunga invisible, and at the same time highlighting illness, domestic violence, substance abuse and poverty as Nunga problems. Writing about the attempt to assimilate women, Luce Irigaray said: 'I search for myself, as if I had been assimilated into maleness. I ought to reconstitute myself on the basis of a dissimulation'. Nungas have been doing this since 1788—that is, retaining the difference by refinding our Nunga identity reflected back at us, from the land, rather than in the growing white surrounds. (Watson, 2014, p. 57)

Watson's reference to Irigaray in this quote highlights the connection between Irigaray's project and her own, as well as the distance between them. Watson identifies how the violence of coloniality continually attempts to erase Indigenous sovereignty by working to make 'all that is Nunga invisible' and, crucially, part of this colonial process of erasure is to highlight negative unwanted tropes of the 'Self', the colonial subject, and project these traits onto the 'other'. Thus, while issues of illness, domestic violence, substance abuse and poverty run across the entire Australian population, these issues are viewed by the status quo as 'Nunga problems', rather than problems with their root cause in racist colonial patriarchal and capitalist logics. The solution is not to move toward an ideal of equality or reconciliation (assimilation) within these logics; the solution for Watson is decolonisation and recognition of Aboriginal sovereignty, a fundamental challenge to colonial patriarchal logics undergirding western liberal democracy. Watson's reference to Irigaray highlights the focus in both of their thinking on the violent logics at work in western democracy and illustrates why equality is not the way out of this colonial patriarchal horizon. Irigaray argues that the erasure of non-hierarchical sexuate difference occurs with the reduction of the feminine to mother/matter/nature within western thought, culture and institutions, and this happens alongside the projection of the unwanted aspects of 'Self', the masculine (colonial) subject, onto the feminine 'other'. For Irigaray, as for Watson, the solution is not assimilation; the way forward is to jam the theoretical machinery, to dissimilate from patriarchal maleness.

Watson reminds her readers that she has already argued 'that another way of knowing the world is not dead to us but alive in the minds of those who continue to see through other horizons' (Watson, 2005, p. 43). Crucially, another horizon already

exists, writes Watson, ‘one that has always been known to those who kept the songs and the ceremony, that is knowing from a place of Aboriginal being’ (Watson, 1998, p. 31). Moreover, this other horizon has a different imagining of sexual difference as relational and non-hierarchical, different to hierarchical binary sexual difference under the colonial patriarchal horizon which currently dominates liberal democracies. Perhaps this is what Watson is evoking when she writes ‘I work towards a more “perfect” place, a place that is still for me a long way off; that is the place where the grandmothers sit’ (Watson, 1998, p. 28). A place where the grandmothers sit certainly speaks to elements of Irigaray’s thinking on mother-daughter relations that are erased in patriarchal western colonial culture but of course we must read Watson’s call as a decolonising one which reaches beyond Irigaray’s. And, while certainly not coming from the same place or even the same horizon, there does seem to be some fruitful connections to be made in reading these two thinkers together. Attempting to read Irigaray *with* Watson in plurilogue, in an edifying conversation, illustrates the force of both projects and the urgency of a philosophical analysis of patriarchal colonialism. Read in plurilogue, these thinkers shine a light on the problematic notions of equality at the heart of liberal democracy and liberal feminism, and offer alternative logics and ways of knowing required to move toward the dismantling of the atomistic patriarchal subject foundational to colonialism as well as to western democracy.

Funding Open Access funding enabled and organized by CAUL and its Member Institutions.

Declarations

Competing Interests Partial financial support was received from the College of Humanities, Arts and Social Sciences at Flinders University in the form of an Early Career Researcher Grant. The author has no conflicts of interest to declare.

Open Access This article is licensed under a Creative Commons Attribution 4.0 International License, which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence, and indicate if changes were made. The images or other third party material in this article are included in the article’s Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the article’s Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.

References

- Athanasiou, A., & Tzelepis, E. (2010). *Rewriting difference: Luce Irigaray and "the Greeks"*. State University of New York Press.
- Beauvoir, S. (1983). *The Second Sex*. Vintage.
- Boulous Walker, M. (2022). Nature, obligation, and transcendence: Reading Luce Irigaray with Mary Graham. *Sophia*. <https://doi.org/10.1007/s11841-022-00907-2>

- Carol, C. (2020). *Women's law: Luce Irigaray and sexed rights and responsibilities*. University of Queensland.
- Cheah, P., & Grosz, E. (1998). The future of sexual difference: An interview with Judith Butler and Drucilla Cornell. *Diacritics*, 28(1), 19–42.
- Deutscher, P. (2000). The declaration of Irigarayan sexual rights: Performativity and recognition. In J. Richardson & R. Sandland (Eds.), *Feminist perspectives on law* (pp. 71–87). Cavendish.
- Dick, S. (2020, June 2). Hundreds of Aboriginal deaths in police custody. Zero convictions. *The New Daily*. <https://thenewdaily.com.au/news/indigenous-news/2020/06/02/george-floyd-aboriginal/>
- Faulkner, J. (2019). Settler-colonialism's "Miscarriage": Thinking the failure of relationality through Irigaray's "Interval". *Angelaki: Journal of Theoretical Humanities*, 24, 137–154.
- Hill, R. (2020). Between her and her place and relations between women in Irigaray and Wright. In G. Schwab (Ed.), *Thinking life with Luce Irigaray: Language, origin, art, love*. SUNY Press.
- Ince, K. (2017). *The body and the screen: Female subjectivities in contemporary women's cinema*. Bloomsbury.
- Irigaray, L. (1985). *This sex which is not one*. Cornell University Press.
- Irigaray, L. (1991a) Equal or different? In M. Whitford (Ed.), *The Irigaray reader* (pp. 30–33). Blackwell Publishers.
- Irigaray, L. (1991b) How to define sexuate rights? In M. Whitford (Ed.), *The Irigaray reader* (pp. 198–203). Blackwell Publishers.
- Irigaray, L. (1993a). *An ethics of sexual difference*. Cornell University Press.
- Irigaray, L. (1993b). *Je, Tu, Nous: Toward a culture of difference*. Routledge.
- Irigaray, L. (1996). *I love to you: Sketch of a possible felicity in history*. Routledge.
- Jones, R. (2011). *Irigaray: Toward a sexuate philosophy*. Polity Press.
- Khader, S. J. (2008). When equality justifies women's subjection: Luce Irigaray's critique of equality and the fathers' rights movement. *Hypatia*, 23, 48–74.
- Moreton-Robinson, A. (2000). *Talkin' up to the White woman: Aboriginal woman and feminism*. University of Queensland Press.
- Moreton-Robinson, A. (Ed.). (2007). *Sovereign subjects: Indigenous sovereignty matters*. Allen & Unwin.
- Moreton-Robinson, A. (2015). *The white possessive*. University of Minnesota Press.
- Rawlinson, M. (2016). *Just life: Bioethics and the future of sexual difference*. Columbia University Press.
- Ramaru, K. (2017). Feminist reflections on the Rhodes must fall movement. *Feminist Africa: Feminists Organising - Strategy, Voice, Power* 22, 89–96.
- Ramos, F., & Roberts, L. (2021). Wonder as feminist pedagogy: Disrupting feminist complicity with Coloniality. *Feminist Review*, 128, 28–43.
- Roberts, L. (2019). *Irigaray and politics: A critical introduction*. Edinburgh University Press.
- Russell, Y. (2013). Thinking sexual difference through the law of rape. *Law and Critique*, 24(3).
- Russell, S., & Cunneen, C. (2018, June 2). As Indigenous incarceration rates keep rising, justice reinvestment offers a solution. *The Conversation*. <https://theconversation.com/as-indigenous-incarceration-rates-keep-rising-justice-reinvestment-offers-a-solution-107610>
- Schwab, G. M. (1996). Women and the law in Irigarayan theory. *Metaphilosophy*, 27(1&2), 146–175.
- Watson, I. (1998). Power of Muldarbi, the road to its demise. *The Australian Feminist Law Journal*, 11, 28–45.
- Watson, I. (2005). Settled and unsettled spaces: Are we free to roam? *Australian Critical Race and Whiteness Studies Association Journal*, 1, 40–52.
- Watson, I. (2007). Aboriginal sovereignties: Past, present and future (im)possibilities. In S. Perera (Ed.), *Our Patch: Enacting Australian Sovereignty Post-2001* (pp. 23–44). Network Books.
- Watson, I. (2014). *Aboriginal peoples, colonialism and international law: Raw law*. Taylor and Francis.
- Whitford, M. (1991a). *Luce Irigaray: Philosophy in the feminine*. Routledge.
- Whitford, M. (Ed.). (1991b). *The Irigaray reader: Luce Irigaray*. Basil Blackwell.
- Zerilli, L. (2004). Refiguring rights through the political practice of sexual difference. *Differences*, 15, 2.

Publisher's Note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.