

“TO BE” IS A VERB: REWRITING LAW THROUGH EMBODIED REFORM

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Citation Information

Cynthia Khoo, “‘To Be’ Is A Verb: Rewriting Law Through Embodied Reform” (2014) 1 *Windsor Rev Legal Soc Issues*—Digital Companion 62.

“TO BE” IS A VERB: REWRITING LAW THROUGH EMBODIED REFORM

Cynthia Khoo*

Just like the human body is composed of approximately seventy percent water, the *corpus juris*¹ that regulates our lives is arguably composed of seventy percent social norms, cultural values, and narratives, grand and banal. We encounter these elements through lived experience, which is also embodied experience. In the same way that personal trainers say, “you are what you eat”, one might suggest that you are what you legislate or obey. The law has a profound impact on our bodies: how we view our own bodies and other people’s bodies; how we relate to our own bodies; and how we move in and use—or do not use—our bodies. By extension, the various forms of oppression inherent in the law become inscribed upon, absorbed into, and perpetuated by our bodies, through the same social norms, cultural values, and narratives that constitute and mediate law in our lives. This process evokes the image of a massive, sprawling, intricate feedback loop, deeply embedded into the fabric of law and society. However, this feedback loop is inherently unstable, and requires continual input. This instability, as performer and LLM graduate Julie Lassonde points out, creates a “few centimetres of leeway” for change.² This paper is about those few centimetres.

Within that tiny amount of space, one can create change by recognizing and exploiting its existence, by moving through it with one’s body in deliberate ways. If embodied experience, the law, and social norms are interdependent, changing any one of these elements should alter the others. However, the majority of reform initiatives focus solely on the legal and social elements of change. While legal reform and social reform are familiar terms, “embodied reform” is currently more likely to evoke a New Age yoga retreat than a social justice strategy.

This paper, however, features a possible route to legal and social reform through the body—a kind of reverse engineering, or hacking into the feedback loop to introduce new variables. If laws and social norms inscribe themselves upon our bodies, and read their own earlier inscriptions, the body can be thought of as a palimpsest. The task at hand is to inscribe our own bodies with something different, thereby intercepting the normative loop, and causing a domino effect in the rest of the system. The challenge is that we ourselves are part of this loop, making it difficult to engage in such self-inscription—particularly as the ability to engage in this process assumes that we know what to inscribe, how to inscribe, and that inscription is even necessary to begin with.

This paper investigates how one might facilitate the process of rewriting the law with one’s body. Part I provides background and context, including a discussion of what “law” comprises

* Cynthia graduated from the University of Victoria, Faculty of Law, in May 2014. This paper was originally written for LAW 357: Sexual Orientation and the Law, with the support of Professors Gillian Calder and Sharon Cowan. She presented this research at the 7th Annual Canadian Law Student Conference, held in Windsor, Ontario, in March 2014. At the 7th Annual Canadian Law Student Conference, Cynthia was awarded the JSD Tory Writing Award for Best Conference Paper.

¹ Robert M Cover, “Foreward: *Nomos* and Narrative” (1984) 97 Harv L Rev 4 at 9.

² Julie Lassonde, *Performing Law* (LLM Thesis, University of Victoria, 2006) at Spider 1: What is Performing Law?, online: University of Victoria Law <www.law.uvic.ca/lassonde/HTML/PERFORMING%20LAW%20-%203.html>.

and the role personal narrative plays in the exploration of academic, theoretical, and legal issues. Part II focuses on embodiment and praxis, including how the law and aspects of oppression affect people through embodied experience, in a way that means little beyond lived experience. Part III demonstrates that embodied oppression in part relies on the Cartesian mind-body divide, and on an associated hypocritical dismissal of the body. Part IV shows how one can resist oppression by centralizing the body, using my experience of training capoeira, an Afro-Brazilian martial art form, as an example. Finally, Part V proposes an experiment titled “Recall Theatre”, an idea that combines Augusto Boal’s innovation of Forum Theatre with the ideas of various theorists that may be collectively termed self-objectification.

PART I: SETTING THE STAGE

A. Defining Law

This paper assumes a broad definition of law, including social norms and any situation that could be construed as a “contested site of meaning.”³ Formal law, at the heart of it, is about contested meaning: “a decision must be made about the incidence of a legal instrument. ‘Is an airplane or a baby carriage a ‘vehicle’ within the meaning of the statute prohibiting vehicles in the park?’...There is a conventional understanding that a certain consequence follows from...classifying a thing as ‘X.’”⁴ Social norms arguably operate similarly. However, instead of classifying potential vehicles, social norms classify people: their behaviour, gender, sexuality, skin colour, and so forth. A decision “must” be made. For example, *is this person a woman within the meaning of the door symbol allowing only women into this public restroom?* Depending on the classification, certain consequences follow. One also makes such decisions every day in social interactions, such as: *is this person approachable within the meaning of characteristics that define approachable people?*

The central difference between formal law and informal law, or everyday law,⁵ manifests in asking: *whose* meaning? Where, when, and how did that become the set meaning? Disputes arise over meaning. With formal law, one simply refers to jurisprudence and statutes. With informal law, nothing is so obviously documented. There is no *Hansard* defining attractive or qualified, how much space one may take up on a bus or sidewalk,⁶ where a woman may safely jog at midnight, or where a same-sex couple may publicly show romantic affection. Yet, everyone seems to have an understanding of the aforementioned. Everyday law also dictates meaning, yet few directly engage with the notion that “the” meaning may in fact be nothing more than their own meaning—or alternatively, someone else’s meaning, with which they might disagree, if

³ Lassonde, *ibid.*

⁴ Cover, *supra* note 1 at 6-7.

⁵ Lassonde, *supra* note 2 (“Macdonald explains that ‘everyday law’ is a series of implicit rules that govern our lives, such as the way we decide who cooks dinner for example: ‘Everyday law’ is largely implicit law. Implicit law is law that is not consciously made as law—even if consciously made—by anyone” at Spider 1: What is Performing Law?).

⁶ Nancy Rae Johnson, *(Un)learning Oppression Through the Body: Toward an Embodied Critical Pedagogy* (PhD Thesis, University of Toronto, 2007) [unpublished] (“She can recall numberless occasions riding the bus or subway where men sprawl over the seats to take up as much space as they want, even when that spills over into her space. As an example, Natalie talks about sitting on the bus recently when her leg muscles started to go into spasm. She then realized that because the man sitting next to her was crowding into her seat, she had constricted herself so tightly that her legs had begun to cramp. She had literally embodied the gendered message that women shouldn’t take up much space, and her body had paid the price in tension and pain” at 157).

made aware of the option to do so.

Everyday law matters because its meanings and consequences often evolve into formal law. Formal law is “not radically distinct from culture and politics, but is simply one of a number of ordering mechanisms and is thoroughly imbued with the dominant philosophies.”⁷ Similarly, “the creation of legal meaning—‘jurisgenesis’—takes place always through an essentially cultural medium.”⁸ As a result of this interdependence, “[e]ngaging with law therefore means not simply attending to the way in which law impacts upon our lived, embodied lives, but also having regard to the social regulatory norms that both construct and are constructed by law.”⁹ Therefore, this paper focuses on social norms and everyday experiences in the context of our embodied lives. As William Shakespeare famously writes in *The Tempest*, “we are such stuff as dreams are made on”¹⁰. The analysis explored in this paper is grounded in the notion that these—social norms and everyday experiences—are such stuff as laws are made on.

B. The Lived Is the Legal

In addition to focusing on social norms and everyday interactions, this paper draws upon personal narratives as an increasingly recognized form of academic research and knowledge acquisition.¹¹ Personal narratives are what connect legal and social norms to everyday lived experience, through all modes of interpersonal relations. In her doctoral thesis, Nancy Rae Johnson asserts that “narrative offers a way to study the phenomenon of experience, and social phenomena are a natural point of convergence for individual, collective, and cultural stories.”¹² Everything of meaning in our lives is couched in one narrative framework or another, and “[n]o set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning.”¹³

According to Julie Lassonde, “trivial stories give us the substance through which we understand the world”,¹⁴ as mediated through formal and informal laws. The average person does not say to their friend, “you’ll never guess the biopower I was subjected to at the doctor’s office yesterday,” or, “my last employer took a pre-*Vriend*¹⁵ approach to workplace practices.” This does not change what happened at the doctor’s office or workplace, nor does it change how such incidents affected the individual’s lived experience in these situations.¹⁶ Using the context of gender, Lassonde notes, “no matter how we change statutes...if we do not get used to interacting

⁷ Gillian Calder & Sharon Cowan, “Re-Imagining Equality: Meaning and Movement” (2008) 29 Australian Feminist LJ 109 at 113.

⁸ Cover, *supra* note 1 at 11.

⁹ Calder & Cowan, *supra* note 7 at 113.

¹⁰ William Shakespeare, *The Tempest*, ed by David Bevington & David Scott Kastan (New York, NY: Bantam Dell, 2006) at 127.

¹¹ Johnson, *supra* note 6 (“Increasingly, scholars and educators in the arts and humanities are examining narrative structures for their role in making meaning of lived experience” at 91).

¹² *Ibid.*

¹³ *Supra* note 1 at 4.

¹⁴ Lassonde, *supra* note 2 at Spider 3: Conclusion.

¹⁵ *Vriend v Alberta*, [1998] 1 SCR 493, 156 DLR (4th) 385.

¹⁶ Having said that, knowing about biopower or *Vriend* is what opens space to engage in the process of informal law-making in a way that could change such everyday experiences. As lawyers, future lawyers, or other similarly situated actors privileged with such knowledge, we may not have a categorical obligation to wield such knowledge in the ways Lassonde or this paper suggests, but we would certainly be remiss not at least to acknowledge it, and its implications for our roles individually and as a profession.

differently with women or as women, if we do not get used to different gender performances in everyday life, none of these reforms will be powerful.”¹⁷ Everyday stories from women’s lives are what reveal whether or not, and how, statutory reform produces any on-the-ground results.

Lastly, it is important to acknowledge that “no story can ever provide a complete or permanent representation of embodied experience...[and] individual stories...are not meant to represent the experiences of everyone.”¹⁸ In this sense, personal narratives may represent a drop in the ocean of larger theoretical and legal frameworks—but placing such drops under a microscope is how one uncovers secrets about the ocean.

PART II: ENTER THE BODY

A. Licensing in Blood: The Embodied Impact of Law

The law impacts how we view and relate to our bodies because we are subjected to the law through embodied experiences, mediated by forces such as social norms and ordinary interactions.¹⁹ Since “[m]ost of everyday law is conducted performatively [and] our daily life interactions are embodied”,²⁰ everyday law directly influences our bodily sensations, and our perceptions towards our own and each other’s bodies. We “learn about social systems through patterns of interpersonal nonverbal communication,”²¹ and the law is one of these systems. Thus, not only do laws and social norms read our bodies and vice versa, but we read other people’s bodies and glean information by making such observations. Conversely, other people read our bodies the same way. This is what allows the possibility of “rewriting” laws with one’s body.

Knowing that the law is interwoven with social norms and everyday interactions that are tied to embodied experiences “expands our understanding of law to the image, the corporeal, the embodied and the daily; and demonstrates how performing law in everyday life is an effective means of engaging with and transforming the legal world.”²² In fact, law at its core is arguably rooted in a visceral experience: an intuitive understanding of what it means to be fair, moral, or just. This notion aligns with the words of performance artist Guillermo Gómez-Peña:

Our system of thought tends to be both emotionally and corporeally based. In fact, the performance always begins in our skin and muscles, projects itself onto the social sphere, and returns via our psyche, back to our body and into our blood stream; only to be refracted back onto the social world via documentation. Whatever thoughts we can’t embody, we tend to distrust.

¹⁷ Lassonde, *supra* note 2 at Spider 3: Conclusion.

¹⁸ Johnson, *supra* note 6 at 107, 172. In fact, this paper originally began with an introductory focus on the connection between laws that regulate sexuality and gender, and their impact on the body image of LGBTQI2SA individuals. I quickly moved away from this upon becoming cognizant of the volume of research I was accumulating in proportion to the assigned page limit, but more importantly, also upon realizing that, due to the highly personal nature of embodied experiences, I would not be able to write well or properly on this particular intersection without having myself lived as a member of any of the groups being written about. Consequently, I have both expanded my focus, to write about embodied experience and oppression generally, and narrowed it, drawing upon my own personal lived experiences as a heterosexual, cisgender woman.

¹⁹ Cover, *supra* note 1 (“Law is that which licenses in blood certain transformations while authorizing others only by unanimous consent” at 9).

²⁰ *Supra* note 2 at Spider 1: What is Performing Law?.

²¹ *Supra* note 6 at 80.

²² Gillian Calder, “Embodied Law: Theatre of the Oppressed in the Law School Classroom” (2009) 1 *Masks: The Online Journal of Law and Theatre* 1 at 17.

Whatever ideas we can't feel way deep inside, we tend to disregard.²³

Criminal law, for instance, exemplifies such trust that the law places in embodied senses, in the way this area of law was once and often continues to be an overt regulator of morality.²⁴

Similarly, the judiciary may go to great lengths to distinguish a case before them, overturn a particular line of law, or encourage parliament to do so, due to deep dissatisfaction with a particular decision on the facts. For example, in the House of Lords case *Cartledge et al v E Jopling & Sons Ltd*, the justices followed precedent,²⁵ but “[t]heir Lordships were not, however, happy with [the] result”.²⁶ Consequently, parliament changed the law on the judges’ recommendation.²⁷ Law reform occurred as a result of an embodied reaction by those in a position of power.

B. The Whole Body Thinks: Embodied Oppression

To use embodied performativity as a form of anti-oppression, or resistance, the ways we embody our own oppression must be recognized. As Augusto Boal said, “the whole body thinks—not just the brain”.²⁸ When we absorb marginalization mentally and psychologically, we absorb it physically, as well. We experience embodied oppression through notions of our own identities, through visceral sensations, through the ways we move or use our bodies, and through the body language we overtly or unconsciously deploy around others.

The women interviewed by Johnson for her doctoral thesis “described the oppression on their bodies as occurring on an inner, visceral level...Zaylie spoke about the sensation of tar coating her insides.”²⁹ Johnson compares the effects of long-term “everyday oppression” to the effects of trauma on the body, characterizing it “as a reaction to a kind of wound...that must be recognized even when no overt bodily assault occurs.”³⁰

Critical race theorist Lauren Doyle further contends that “we come at ourselves initially from the outside, and if the world gets there first (or more forcibly), it colonizes and refuses us clear self-access. Our access to our own bodily experience as self then must be filtered through the lens of those colonizing others.”³¹ Doyle’s concept aligns with that of internalized colonialism, a lens through which people of colour may view their own bodies as markers of difference, and thus inferiority.

The effects of internalized oppression are cumulative, given that “the body is...regarded as a site of personal identity [and] our social status is reflected in our relationship with our body and

²³ Guillermo Gómez-Peña, *In Defense of Performance Art*, online: Pocha Nostra <www.pochanostra.com/antes/jazz_pocha2/mainpages/in_defense.htm>.

²⁴ Adultery and sodomy, for instance, were once criminalized and continue to be in certain jurisdictions.

²⁵ *Cartledge et al v E Jopling & Sons Ltd*, [1963] 1 All ER 341, AC 758 (HL).

²⁶ Bertha Wilson, “Decision-Making in the Supreme Court” (1986) 36:3 UTLJ 227 at 228.

²⁷ *Ibid* at 229.

²⁸ Augusto Boal, *Games for Actors and Non-actors*, 2d ed, translated by Adrian Jackson (London, UK: Routledge, 2002) at 49 [Boal, *Games*].

²⁹ Johnson, *supra* note 6 at 212 (“I started to feel uncomfortable...that there was this kind of tar coating all in my insides that was stopping me from absorbing anything. Like everything that would come into me would just pass through.” Zaylie describes this tarry substance as something she ingested from the outside world, and that now exists within her body as the residue of her experiences of oppression” at 169-70).

³⁰ *Ibid* at 83.

³¹ *Ibid* at 53.

the body language(s) we speak”.³² This is particularly pertinent in social interactions, which form common sites of everyday oppression where “the body features prominently in the articulation of social difference.”³³ Such articulation appears in body language that marks one as more or less powerful, in acts such as smiling more or less, tilting one’s head or looking straight ahead, taking up much or little space, or looking down or shrinking into oneself.³⁴

Through such interactions, the body plays a major role “in reproducing social patterns of inequity and injustice”.³⁵ Those who exhibit body language marking them as privileged or oppressed have learned—whether consciously or not—how to read such markers, and thus tend to treat the other person accordingly. Consequently, the interaction serves to further affirm the meaning of their respective body language as markers of difference.³⁶ Moreover, “the repetitive and insidious nature of these subtle exercises in dominance and submission slip below the level of awareness...internalizing social conventions to the point where they may no longer even feel oppressive.”³⁷ The oppression has been internalized to the point of invisibility or naturalization.

This idea dovetails with gender theorist Judith Butler’s well-known theory of gender performativity. Butler argues that identity, specifically in the context of gender, is “constructed through a process of reiterative acts and gestures”,³⁸ and “achieves its effects through its naturalization in the context of a body.”³⁹ Performativity theory asserts that one’s body and embodied identity are represented by reiterative acts, to the extent of being wholly constituted through them.⁴⁰ According to Butler, you are what you repeatedly do.

Similarly, political theorist Iris Young describes how women seem to exercise a much smaller range of motion physically, and claim less space than is physically available to them at any given moment.⁴¹ Young applied the “I can” of French philosopher Maurice Merleau-Ponty’s “intentionality in motility” to describe “[f]eminine bodily existence [as] inhibited intentionality, which simultaneously reaches towards a projected end with an ‘I can’ and withholds its full bodily commitment to that end in a self-imposed ‘I cannot’.”⁴² One can imagine how certain repeated experiences, such as Natalie’s bus story mentioned at footnote six, would produce such an embodied phenomenon of inhibited movement and self-restrained embodying of space.

³² *Ibid* at 54.

³³ *Ibid* at 49.

³⁴ See *ibid* at 74-79.

³⁵ *Ibid* at 80.

³⁶ *Ibid* (marginalized members of society are “constantly reminded of their inferior social status through the nonverbal messages they receive from others. They are also required to affirm that status...in the messages they themselves transmit” at 74-75).

³⁷ *Ibid*.

³⁸ *Ibid* at 53.

³⁹ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1999) at xv.

⁴⁰ Gill Jagger, “Embodied Subjectivity, Power and Resistance: Bourdieu and Butler on the Problem of Determinism” in Stella Gonzalez-Arnal, Gill Jagger & Kathleen Lennon, eds, *Embodied Selves* (New York: Palgrave Macmillan, 2012) at 209 (“[Butler’s] account of performativity builds on the Foucauldian notion that the body and subjectivity are discursively produced in and through operations of power and normalisation (rather than being something that stands outside of, and is separate from, these operations but is shaped by them” at 213).

⁴¹ Iris Marion Young, “Throwing Like a Girl: A Phenomenology of Feminine Body Comportment Motility and Spatiality” (1980) 3:2 *Human Studies* 137 (“I also observed that women tend not to reach, stretch, bend, lean, or stride to the full limits of their physical capacities, even when doing so would better accomplish a task or motion. The space, that is, which is *physically* available to the feminine body is frequently of greater radius than the space which she uses and inhabits” at 149).

⁴² *Ibid* at 146 [emphasis in original].

PART III: THE CASE OF THE MISSING BODY

Possibly the most fundamental, harmful, and insidious aspect of embodied oppression is the fact that oppressive systems deny the significance of the body itself. Merleau-Ponty is popularly cited for his “embodied, existential form of phenomenology that emphasizes the role of the body in human experience, and attempts to resist the traditional Cartesian separation of mind and body.”⁴³ Upon reading Merleau-Ponty, it becomes clear that “any abstraction of the body provides an incomplete understanding”⁴⁴ of people’s lived experiences, and by extension of the legal, social, and political forces pervading their experiences. Yet, abstracting the body is exactly what many forms of oppression do. The most successful systems of oppression are those that conceal their own existence or processes, such that no one is aware that such a system or process exists. One cannot address or attack what one is not aware of. Or, as the case may be, what one does not acknowledge or consider worth being aware of: the body.

As demonstrated above, the body and lived embodiment is central to the human experience in a variety of contexts, including: law, everyday life, social justice, and identity. However, people are encouraged to marginalize, abstract, and dismiss the body as unworthy of focused attention, compared to other aspects of lived experience—for instance, education, relationships, or financial stability. Because oppression occurs to an equally great degree in these realms of life, and because the Cartesian mind-body divide has erased the body as an available option for serious consideration, many are led to believe that oppression occurs solely in such areas of life, which do not immediately appear to have an overt physical component.⁴⁵ Thus, those who are marginalized do not think to address the embodied and internalized aspects of their oppression. Only external aspects of oppression, such as formal laws or workplace policies, are acknowledged or addressed.⁴⁶

As Lassonde states, “[w]hat we assume to be less important in fact leads us to stabilize certain norms with which we too often disagree.”⁴⁷ Arguably, since the body is central to sustaining oppression, much of the marginalization manifested in the above-mentioned non-physical realms of life is directly rooted in embodied oppression.⁴⁸ However, few have approached embodied reform in a similar way to how legal or social reform is approached. This has led to oppression continuing across the board, embodied and otherwise.⁴⁹ We are taught to ignore our own bodies and their role in our lives, and we are taught to consider our bodies unimportant—sometimes to the extent that it is a moral failing to think otherwise.⁵⁰ This allows our bodies to be conscripted against us.

⁴³ Johnson, *supra* note 6 (“[p]henomenology is literally the study of ‘phenomena’ from a subjective perspective—things and events as we experience them from a first person point of view” at 34).

⁴⁴ *Ibid* at 212.

⁴⁵ *Ibid* at 33-34.

⁴⁶ *Supra* note 6 (Johnson says of her interviewees that in “nearly every case, this reclaiming of the body as source of personal and social power seems to have evolved through a process of intuitive selection and fortunate circumstance” at 203).

⁴⁷ Lassonde, *supra* note 2 at Spider 3: Conclusion.

⁴⁸ For example, how people of colour or a lower socioeconomic class are treated in predominantly white, upper-middle-class professional workplace environments, or how people select their partners or treat strangers based on weight or physical attractiveness, or how people decide whether a woman is or is not qualified for a certain job based on factors other than relevant qualifications.

⁴⁹ Richard T Twine, “Ma(r)king Essence-Ecofeminism and Embodiment” (2001) 6:2 *Ethics and Environment* 31 at 39.

⁵⁰ *Supra* note 6 at 33-34.

One of Johnson’s interviewees, Crissy, provides a concrete example of this phenomenon:

She notes that on some level, she is ‘willingly buying into’ a cultural imperative for women to have clear skin, and then calls herself vain when she attempts to address the problem. As we talk, the double bind that makes gender oppression so effective and easy to perpetuate becomes more visible—like all women, Crissy is implicitly taught the gender imperative to be beautiful, and then convinced that this imperative is self-generated.⁵¹

In the seemingly non-embodied realms of civil society, where bodies are deemed irrelevant, Crissy knows from lived experience that she apparently has a bodily “deficiency” and suffers for it. This realm tells her that her body is irrelevant, but penalizes her in important ways—perhaps socially or professionally—for the bodily “deficiency”, and then also penalizes her if she overrides the anti-body imperative to address the root of her embodied oppression. As Natalie points out, “[b]ecause it’s so subtle, because it’s something that you’re not really conscious of...it can have an even more devastating effect on your life.”⁵²

PART IV: CUE BODY, CENTRE STAGE

If embodied oppression is in part “a case of the missing body”, then the solution is clear⁵³: bring forth the body. As Johnson’s interviewees shared, positioning the body and one’s embodied experiences in the forefront counters, resists, or mitigates the effects of embodied oppression on an individual level. This section illustrates the significance of centralizing one’s embodied experiences. Immersion in an environment that inherently centralizes the body, such as dance or martial arts training, can provide a path to becoming more conscious of one’s own body and embodied experiences, in a way that facilitates resisting or countering everyday oppression.

As Johnson notes, Merleau-Ponty “posits that the body is central to everyday experience...[and suggests] that the body is in a constant state of becoming.”⁵⁴ Thus, prioritizing the mind over the body engenders “a narrowing or constriction of consciousness that results in less freedom, fewer choices, and less functional patterns of embodied engagement with the environment.”⁵⁵ While equally true from a phenomenological perspective, Johnson is speaking of somatics here, the study of “the body/mind as experienced from within.”⁵⁶ This allows for the idea of somatic literacy, “the ability to access knowledge encoded in kinesthetic and non-verbal material. Somatic literacy supports authoritative knowing grounded in embodied experience. It allows us to access and use what we know in our bones.”⁵⁷ In other words, somatic literacy means becoming conscious of all the knowledge our bodies have absorbed without us realizing, whether it is Butler’s reiterative gestures, Young’s invisible space barrier, or various body language indicators of power, privilege, and oppression.⁵⁸ It means being able to recognize such knowledge in ourselves and others. It is often through unconscious somatic knowledge displayed

⁵¹ *Ibid* at 146-47.

⁵² *Ibid* at 157.

⁵³ Not to be confused with easy.

⁵⁴ Johnson, *supra* note 6 at 52.

⁵⁵ *Ibid* at 58; Jagger, *supra* note 40 (this also recalls Butler’s theory that “[Bourdieu’s] symbolic violence is part of the performative process that forecloses some meanings and generates others in the service of dominant power relations and systems of meaning” at 212).

⁵⁶ *Supra* note 6 at 55.

⁵⁷ *Ibid* at 63.

⁵⁸ *Ibid* at 53; Young, *supra* note 41 at 154.

in human interactions that power dynamics between the privileged and the oppressed are perpetuated.⁵⁹

Endeavours such as intensive dance training, and in my case, capoeira, offer a potentially powerful conduit to somatic literacy. First, these practices force one, by definition, to focus on the body with more concentration and depth than in more normative aspects of life, without cutting off the mind in the process in the way that repetitious weightlifting at the gym might.

Capoeira “demands of players that they both get the job done [for instance, controlling the game, manipulating or mocking the other player, or executing take-downs] and look good while doing it”.⁶⁰ The sport promotes self-knowledge of “the body/mind as experienced from within”,⁶¹ as well as heightened sensitivity to others’ somatic indicators. Because “experiences of the body in action become the focus of awareness [and] become foregrounded in a way that is unusual for most people...body practitioners such as dancers, athletes, and actors...are in this intermediate mode more of the time...and thus their worlds of embodiment are different from the norm.”⁶²

Second, activities such as dance and capoeira often become more than just a hobby; rather, they become a lifestyle for practitioners. This allows people such as dancers, capoeiristas, and other athletes to apply their newfound somatic literacy in contexts beyond the overtly physical, while contributing to the breakdown of the mental divide between embodied experience and realms of experience, typically thought of as non-embodied.

In the sense that there are consequences to embodiment, dance and martial arts operate similarly to oppressive systems. However, there is one key difference: unlike embodied oppression, which conceals the body’s significance, dance and martial arts are completely transparent about the consequences attached to one’s body and embodiment. Practitioners are moulded firmly by instructors towards explicit objectives. Success and power are directly and openly related to various aspects of how practitioners inhabit and use their bodies. What emerges is a type of Foucauldian biopower⁶³ that practitioners are openly exposed to, and are thus able to reclaim over themselves.

Third, provided one has skilled teachers, dance or martial art classes are a way to prevent or overcome experiences such as Pat’s, a participant in Johnson’s doctoral thesis. “She said that she was often made to feel a lack of confidence in her body, and never felt supported in finding her own capacities, or to develop her own knowing of her body as skillful.”⁶⁴ In my experience, capoeira provides the opposite experience: instructors seem to develop students’ capabilities almost in spite of the students themselves, whether hindered by lack of confidence, physical obliviousness, or both.

For example, in response to Pat succumbing to Young’s phenomenon of “an inhibiting effect on the size and scope of her gestures, and...feel[ing] that her movements might be seen...as ‘too large’ or ‘too expressive’”⁶⁵, this notion is directly confronted in training capoeira movements.

⁵⁹ Johnson, *supra* note 6 at 58.

⁶⁰ J Lowell Lewis, “Genre and Embodiment: From Brazilian *Capoeira* to the Ethnology of Human Movement” (1995) 10:2 *Cultural Anthropology* 221 at 234.

⁶¹ *Supra* note 6 at 55.

⁶² *Supra* note 60 at 229.

⁶³ *Supra* note 6 (“Foucault contrasts traditional modes of power...with the notion of *biopower* that utilizes instead an emphasis on the protection of life through the regulation of the body—via habits, health and reproductive practices, and other customs. For Foucault, biopower is literally having power over other bodies, through ‘numerous and diverse techniques for achieving the subjugations of bodies’” at 46 [emphasis in original]).

⁶⁴ *Ibid* at 181.

⁶⁵ *Ibid*.

Experienced instructors are aware of the inhibitions students may have, and training occurs to a constant refrain of orders to increase the size, scope, and expressiveness of movements and motions. Training capoeira has helped me close the distance between Young's "I can" and "I cannot".⁶⁶ What began as a gulf has now alchemized into Lassonde's few centimetres, and chipping away at such embodied inhibitions in one particular context makes it easier to do the same across others.

Finally, engaging in specific contexts that encourage precisely what systems of oppression discourage, provides practitioners the opportunity to,

be comfortably anchored in a solid felt experience of the body in relation to other bodies [which] is so phenomenologically different from the experience of 'othering' or being 'othered' that it provides a compelling counterpoint to hierarchical models of social power—a place from which to experience the world differently even when the social structures through which that experience is shaped have not yet changed.⁶⁷

Upon contemplation, such an experience must be a rare occurrence, and would be unfathomable for those who have suffered from unrecognized embodied oppression their entire lives. As I read Johnson's narrative of discovering through dance, "how central my body was to the experience of bliss...a specific state of bodily sensation associated with artistic or creative engagement that I later came to know as flow,"⁶⁸ I realise that this bodily sensation, which may be the closest I have been to being "comfortably anchored in a solid felt experience of the body",⁶⁹ is one that I have never experienced outside of a capoeira *roda*⁷⁰. In light of this and the current discussion, perhaps it is not so quirky or amusingly strange that I am notorious for being able to relate nearly any conversational topic or life issue back to capoeira; perhaps that is precisely what is to be expected, and I may be all the better for it.

PART V: JUST BE YOURSELF: INTRODUCING RECALL THEATRE

This section features an experiment meant to help individuals work towards embodied change, based on the theories underpinning Theatre of the Oppressed and self-objectification. Essentially, "Recall Theatre", using a working name, takes Boal's idea of Forum Theatre and applies it to the individual. It is Forum Theatre for one, so to speak.⁷¹

⁶⁶ Young, *supra* note 41 ("When the woman enters a task with inhibited intentionality, she projects the possibilities of that task—thus projects an 'I can'—but projects them merely as the possibilities of 'someone,' and not truly *her* possibilities—and thus projects an 'I cannot'" at 147 [emphasis in original]).

⁶⁷ Johnson, *supra* note 6 at 221.

⁶⁸ *Ibid* at 123 [emphasis in original].

⁶⁹ *Ibid* at 221.

⁷⁰ The set-up in which capoeira practitioners play capoeira: all participants stand in a circle, with the *bateria*, or orchestra of traditional instruments, at the head of the circle. Practitioners play (the capoeira version of "spar") inside the circle, one pair at a time, while those standing in the circle clap and sing.

⁷¹ Forum Theatre is an activity in which a group of actors perform a scene in which a clear instance of oppression or marginalization occurs. Then they perform the scene once more. This second time, a member of the audience (anyone who volunteers), is supposed to say, "Stop!" at any point in the scene, then replace one of the actors on stage, assume that role, and change the ending of the scene in order to prevent, subvert, or otherwise address the oppression that would have occurred. The key to Forum theatre is that members of the audience are not just spectators—they are *spect-actors*, according to Boal, "a role of praxis," granted agency to create change in a situation seemingly closed off to them. A disruptive Joker character external to the scene "works to push against magical solutions that cannot be sustained in reality," while in others, the audience members themselves may call

Rather than replacing a separate actor in a given scene, individuals engaging in Recall Theatre replace themselves—the individual is their own spect-actor. First, the individual recalls a situation where they, or another person, were subjected to some form of oppression, and they wanted to respond in some way, but did not. The scenario could be a recent situation or one from the past that the individual feels they need to work through or address in some way. Second, the individual acts out the situation as it originally occurred, alone or with others.⁷² This step may not be necessary if the individual has very strong recall about how they felt and acted in the original situation. Third, the individual acts out the scene again, and this time, they stop themselves at any point—saying, *STOP!* out loud. The individual then resumes the scene as their own spect-actor, changing the end of the scene in order to prevent, subvert, or otherwise address the instance of oppression that would have occurred.

Afterward, the individual reflects on their experience and decides if the solution was realistic. Could the individual envision themselves implementing what they did as a spect-actor, in that situation or a similar real-life scenario? Did they not do so in real life because they were unable, or simply did not think of a solution at the time? Or were they not able to gather enough courage in the moment? Ideally, the scene would be recorded, so that the individual would be able to watch their spect-actor self in the situation. The experience of watching the re-enactment may reveal things that otherwise would be missed, such as telling reiterative gestures. If the individual concludes they must call *MAGIC!* on themselves, they repeat the scene as a “new” spect-actor with a different response to the situation, until a satisfactory solution is found.⁷³

Just like in Forum Theatre, “[r]eal-world agency is the desired outcome”⁷⁴ of Recall Theatre, and the activity compels “participants to transform their own worlds”⁷⁵ in a much more immediate and personal sense. As my own spect-actor, I do not have to wonder what a realistic course of action is for the average citizen. I sense in my embodied reaction, while intervening or upon reflection, what would be a better or worse, or more or less possible, solution in reality.

Theoretically, Recall Theatre as described here will succeed for several reasons, several of which are shared with Forum Theatre’s effectiveness.⁷⁶ First, the theatre provides a space that does not exist in real life. This means there are no immediate external consequences to words or actions in that space, thus mitigating the risk, fear, or discomfort associated with directly addressing oppressive behaviour.⁷⁷ Although the individual is still inhibited to the extent that

out “Magic!” to indicate an unrealistic intervention, S Leigh Thompson, “What is Theatre of the Oppressed?: Forum Theatre”, The Forum Project online: The Forum Project <<http://theforumproject.org>>; Sanjoy Ganguly, *Jana Sanskriti: Forum Theatre and Democracy in India* (Abingdon, UK: Routledge, 2010) at 88.

⁷² When I tried this at home, I was alone and acted out the scenes on my own, imagining that the other “characters” were there. Turning my mind to it, however, I can see advantages in acting out such scenes with real people, as having another person physically present could induce more of an embodied response in the scene.

⁷³ This idea is relatively new, and I have not yet worked out all the kinks, but I am excited about the prototype developed thus far and am offering it for the potential it may have in a more refined form.

⁷⁴ Deborah M Thomson & Julia T Wood, “Rewriting Gendered Scripts: Using Forum Theatre to Teach Feminist Agency” (2001) 13:3 *Feminist Teacher* 202 at 203.

⁷⁵ Calder, *supra* note 22 at 10.

⁷⁶ Forum Theatre’s effectiveness has been demonstrated by the Shigang Mamas in Taiwan, Jana Sanskriti in India, and Headlines Theatre in Vancouver, Ron Smith, “Magical Realism and Theatre of the Oppressed in Taiwan: Rectifying Unbalanced Realities with Chung Chiao’s Assignment Theatre (2005) 22:1 *Asian Theatre Journal* 107; Ganguly, *supra* note 71; “Theatre for Living”, online: Headlines Theatre <www.headlinestheatre.com>.

⁷⁷ See e.g. Smith, *supra* note 76 (“Given the ultraconservative nature of Hakka culture regarding the outspokenness of women, it’s highly unlikely that the Mamas would have ever felt secure or confident enough to broach these issues publicly had they not experienced the nonthreatening and safe environment of Chung Chiao’s theatre workshops” at 111-12).

they are inhibited to begin with due to embodied oppression, the theatre space lessens inhibition relative to their normal state. This is a good starting point for change.

The process is meant to be ongoing: “a session of Theatre of the Oppressed has no end, because everything which happens in it must extend into life.”⁷⁸ The theatre space allows an individual to bring into reality, through an artificial reality, words or actions they may never have externalized otherwise. Externalizing these words or actions in a mediated reality, however, still brings them into reality. The process moves the individual one step closer to deploying such words or actions—if found feasible—in an unmediated reality, or at least opens the individual to exploring new possibilities.

Second, Recall Theatre allows the individual to experience physically, not simply imaginatively, what it would be like to respond adequately to oppressive words or behaviour. In this sense, Recall Theatre is like training capoeira in order to play in the *roda*. Navigating social interactions and interpersonal relations, particularly in the context of an oppressive society, is an embodied activity as described in Part II. Yet, one is rarely given the opportunity to practice such interactions⁷⁹ the same way one trains athletically in preparation for the moments that count.

One of the most common lessons taught in capoeira is that you will not be able to do inside the *roda* what you cannot do outside the *roda*. If you cannot successfully complete an assigned take-down sequence on a cooperative partner, you will likely be unsuccessful deploying that take-down on someone in an unpredictable situation. In an unpredictable situation, you must improvise and the other person does everything in their power to outwit, evade, and take you down. Yet, people typically have no choice but to enter into the kinds of real-life situations featured in Theatre of the Oppressed, without having undergone any equivalent training. Thus, Recall Theatre provides a form of training as a solution, “overcoming the challenges presented in theatrical form makes participants better qualified to overcome the same challenges in reality when the situation arises.”⁸⁰

Capoeira also teaches that it is impossible to achieve a new acrobatic movement before being able to visualize one’s body going through the entire range of motion involved. For example, before I was able to do handstands, I was terrified to start practicing them. I had no idea what it physically felt like to be in a handstand. I never committed to kicking up into a proper handstand position, because I had no visceral idea of what would happen on the other side. With the safety of a wall or spotter, however, I could experience what it felt like to be in a handstand without the risk of jumping straight into a full freestanding handstand. Acquiring that embodied feeling accelerated my learning of the movement, and moreover, provided a foundation for training additional and more advanced movements.

Confronting someone who has upset you is often as visceral an experience as physically turning your body upside-down, and sometimes more, as many who have fought with close ones or experienced interpersonal conflict may attest. Chrissy, one of the women interviewed in Johnson’s work, describes the embodied impact on her when others deny that she experiences oppression as “feeling as though her body is being violently shaken by an external force. She feels a ‘jolt of fear’ course through her body, and is unable to focus to see anything...she also feels frozen, as if ‘stuck between fight and flight’”.⁸¹ In recognition of this element in confronting oppression, Recall Theatre allows an individual to experience the embodied aspects

⁷⁸ Boal, *Games*, *supra* note 28 at 276.

⁷⁹ Networking sessions don’t count—and no theatre could live up to that level of artificiality, at any rate.

⁸⁰ Calder, *supra* note 22 at 13.

⁸¹ Johnson, *supra* note 6 at 144.

of falling into a handstand, or into a risky, uncomfortable situation, in safety. The purpose of the process is not necessarily to dispose of such feelings, but to become accustomed to them so that their inhibiting power lessens when such moments arrive. Boal called Forum Theatre “a rehearsal for the revolution”,⁸² and no one expects to be completely fearless or unperturbed in a revolution—simply prepared and ready to act.

Finally, the ability to be one’s own spect-actor is based on various theories of self-objectification. First, Young posits that due to patriarchal objectification of women as objects to be looked at, “the woman lives her body as object as well as subject”.⁸³ She is an object even to herself. “[E]xistence is self-referred in that the woman takes herself as the object of the motion rather than its originator [and] is uncertain of her body’s capacities and does not feel that its motions are entirely under her control.”⁸⁴ Second, “oppressions such as racism work to unhinge corporeal self-relation and produce an alienated subjectivity.”⁸⁵ Third, our “[e]mbodied selves are not only sites for mediating language and experience, they are also where subjectivity meets objectivity, since...these bodies also become objects other than...our selves.”⁸⁶ Finally, “everyone involved in theatre...identifies the oppressor within them and also recognises the human self.”⁸⁷

Recall Theatre exploits this pre-existing self-alienation by conceptually separating the individual, as an actor, from the self, as spect-actor. This simultaneously assists in reconciling people with themselves. To illustrate, I wrote this paper in conjunction with a parallel project where I kept a video blog and regularly posted videos of myself discussing random topics. When I watched these videos, the various forms of self-alienation described made it easier to see my onscreen self as someone else. Thus, I could view myself with the normal level of goodwill that I usually reserve for others. As the onscreen person *is* me, however, I was able to transfer some of that perspective back onto myself, in real life. Johnson’s thesis describes how Zaylie “dancing for herself [in the mirror] returns to Zaylie some of the power her body is capable of creating”.⁸⁸ Similarly, talking to and observing myself as I speak to and observe others allows me to experience my person from an external, and thus more objective, perspective. This contributes to the sense of power and agency that Recall Theatre is meant to encourage individuals to develop, in order to bring about change in everyday situations.

CONCLUSION

Whether it is skin colour, gender presentation, the way one speaks or moves, body language, social norms, or formal laws, disrupting normative combinations of particular symbols and markers attached to particular kinds of bodies changes their meaning. The symbols are forced to become more inclusive, or to shift in order to cover new terrain. Put another way, social norms, laws, and embodied experiences are all functions of each other: changing any one of these variables affects the other two as output. Thus far, change and resisting or countering oppression have been attempted predominantly through social or legal reforms, which trickle down to

⁸² Augusto Boal, *Theater of the Oppressed*, translated by Emily Fryer (London, UK: Pluto Press, 2000) at 122.

⁸³ Young, *supra* note 41 at 153.

⁸⁴ *Ibid* at 148.

⁸⁵ Johnson, *supra* note 6 at 224.

⁸⁶ Lewis, *supra* note 60 at 222.

⁸⁷ Sandra Mills, “Theatre for Transformation and Empowerment: A Case Study of Jana Sanskriti Theatre of the Oppressed” (2009) 19:4-5 *Development in Practice* 550 at 557 citing Sanjoy Ganguly, “Jana Sanskriti: Annual Report” (2000) [unpublished].

⁸⁸ *Supra* note 6 at 171.

embodied experiences, and in turn reinforce social and legal norms.

This process represents a feedback loop comprised of billions of discrete transactions, and each transaction presents an opportunity to do something differently, to insert something tiny but new into the system. Embodied reform through initiatives such as centralizing one's embodied experience, acquiring somatic literacy, employing Theatre of the Oppressed strategies, and influencing everyday law as espoused by Lasseonde, is an ideal channel through which to present these tiny disruptions. Returning to the ocean metaphor presented near the start of this paper, Johnson writes, "[t]o borrow the metaphor of a fish unable to see the water in which they swim, critical consciousness is about seeing the water."⁸⁹ Embodied reform, then, is about not only seeing the water, but blowing bubbles in it: physically creating small pockets of difference that by their very existence will alter the trajectory of surrounding currents.

⁸⁹ *Ibid* at 24.