The Paradoxes of Recognising Contested
Identity-based Claims to Citizenship

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**Introduction**

The need for a conception of citizenship that recognizes difference (both sexual and cultural) is acknowledged with increasing frequency within contemporary political theory. Critics of the universalistic pretensions of citizenship discourse argue that citizenship has been conceived such that it claims to be inclusionary and universalist whilst actually and inevitably working in an exclusionary and particularist manner with respect of subordinate identities. Both the liberal and the civic republican traditions of citizenship are criticised for being ‘falsely universalistic’ in their portrayal of the citizen: the liberal tradition, it is argued, transcends particularity and the republican one suppresses it. Despite the long history of dispute between these two camps, the recent ‘politics of difference’ perspective would challenge both (sometimes interchangeably) as failing to recognise the cultural particularity of identities.

Given this, a whole series of normative and institutional questions emerge as central to contemporary political discourse: How are we to balance the twin commitments to universal citizenship rights and to recognition of cultural difference within institutional political structures (the universal with the particular)? Can we balance the universal and the particular in a way that avoids recognition becoming an instrument of regulation (fixity versus fluidity)? Or is there an inevitable tension between constituting political procedures (which inevitably posit some stability of identity and require exclusions of certain differences) and celebrating the fluidity of heterogeneous difference? More pragmatically, are special representation rights a positive mechanism for realizing a differentiated citizenship?

In order to address these questions I intend first to survey recent theoretical critiques of universal citizenship. I will then consider the various types of differentiated citizenship that have been proposed as alternatives to the universal citizenship model. I will suggest that there are three distinct theoretical frameworks from which to argue for a ‘differentiated universalism’: impartiality politics, identity politics and diversity politics. These frameworks apply to both feminist and multicultural accounts of differentiated citizenship. Notwithstanding the evident tension between these two perspectives there is, I suggest, a common critique of false universalism that can generate a shared political agenda.
The tensions between feminism and multiculturalism appear greatest when feminism is understood to embody impartiality politics and multiculturalism identity politics. The shared agenda, in contrast, appears strongest when both are addressed from the diversity politics framework. I offer a specific reading of diversity politics that rejects the false universalism implicit in narrow accounts of impartiality and also the cultural relativism implicit in reductive accounts of identity. I suggest that this version of diversity politics requires the endorsement of a ‘contextual impartiality’ and an account of the mechanisms of democratic inclusion. By way of indicating what sort of mechanisms might best facilitate a democratic inclusion that recognises difference without essentialising or institutionalising particular identities, I survey recent strategies for increasing women’s representation and suggest that, on the basis of this experience, group representation should not be viewed not the only, or perhaps most desirable, way forward and that the strategy of ‘mainstreaming’ offers another interesting strategy which has received little theoretical attention within these debates.

1. The Universalism of Citizenship

Critics of the universalistic pretensions of citizenship discourse argue that citizenship has been conceived such that it claims to be inclusionary and universalist whilst actually and inevitably working in an exclusionary and particularist manner with respect of subordinate identities.

The universalism of traditional citizenship theory has been ‘false’ not because it excluded subordinate group identities as an aberration, but because this exclusion was integral to the theory and practice of citizenship in both the republican and liberal traditions. Both traditions of citizenship are criticised for being ‘falsely universalistic’ in their portrayal of the citizen: the liberal tradition, it is argued, transcends particularity and the republican one suppresses it. Despite the long history of dispute between these two camps, the recent ‘politics of difference’ perspective would challenge both (sometimes interchangeably) as failing to recognise the cultural particularity of identities.

Within this modish desire to criticise universality and ‘recognise difference’ there are a wide range of distinct positions: from the sweeping rejection of all manifestations of the Enlightenment ideal of impartiality and the correlative celebration of ‘difference’ per se (Young 1990), to the more measured critique of particular manifestations of either liberalism
or republicanism in the name of a very precise form of polyethnic cultural pluralism (Kymlicka 1995).

Young articulates what is perhaps the most sweeping critique of universalism in her discussion of ‘the ideal of impartiality’ (1990:96-121). Her claim is that this ‘modern’ or ‘Enlightenment’ ideal seeks to reduce differences to unity ‘by abstracting from the particularities of situation, feeling, affiliation, and point of view.’ (1990:97) The ideal entails a vision of the public realm as attaining the universality of a general will by jettisoning all particularity to the private sphere. In practice, this was achieved by the exclusion from the public realm of those groups perceived to embody particularity ‘especially women, Blacks, American Indians, and Jews.’ (1990:97) These exclusions should not however be understood as contingent distortions of the ideal of impartiality, but rather its necessary requirement. In the pursuit of a single, universal set of principles to govern the public realm, complex difference is necessarily repressed, paradoxically creating dichotomy instead of unity: ‘the logic of identity shoves difference into dichotomous hierarchical oppositions’ (Young 1990:99). If the citizen is understood to be a ‘universal reasoner’, detached and impartial, he or she must abstract from the ‘partiality of affiliation, of social or group perspective, that constitutes concrete subjects’ (Young 1990:100). The result, with respect to particular ethnic and sexual group identities, is that women and members of minority ethnic groups are either excluded from citizenship or included only to the extent to which they are able to repress the particularity of their sexual or ethnic identity.

This type of critique of universalism, though articulated in several different forms, is increasingly widespread and has come to be the defining characteristic of what is often called a ‘politics of difference’ literature. Whilst it is compelling, I want to propose that this critique of impartiality occludes an important distinction in its sweeping challenge to the entirety of ‘modern normative political theory’ (Young 1990:107). In failing to distinguish between different conceptions of citizenship within political theory, this critique confuses two broad areas of concern about universalism. Young tends to characterise Kantian universalism (1990:118), Lockean impartiality (190:133), the Hegelian general will (190:113) and Rousseau’s civic public (190:108) as simply various manifestations of a common ideal of impartiality. In contrast, I find it more helpful to distinguish between distinct manifestations of universalism, which I shall call integrationist and assimilationist. As Charles Taylor
argues, there are two models of the ‘politics of equal dignity’ which might be charged with ‘imposing a false homogeneity’, of which Kant and Rousseau are prominent exponents (Taylor 1992:44, see also Parekh 1991:189-90).

1.1 Universalism as assimilation
The assimilationist approach to citizenship requires that citizens think and behave in certain ways; that they positively identify with the political community to which they formally belong and that they are actively committed to promoting its common good through participation in its political life. Its theoretical roots lie with Rousseau for whom ‘the sovereign people embodies the universal point of view of the collective interest and equal citizenship.’ (Young 1990:109) The universalism of citizenship here takes the form of a commitment to unity and cultivation of a shared notion of the common good or general will. Here the public realm is conceived of as unified and homogeneous and stress is placed on the importance of education, shared civic traditions and celebrations to foster such unity. The critics of this assimilatory form of universalism argue that the attainment of such unification has always been, and always will be, bought at the price of the exclusion of the actual heterogeneity of society and the public denial of cultural pluralism.

1.2 Universalism as Integration
In contrast, and specifically claiming to take differences seriously, the integrationist approach to citizenship requires that all citizens are formally but not substantively equal. It explicitly welcomes cultural differences and recognises the fact of pluralism. It has in practice involved equal opportunities coupled with cultural diversity, in an atmosphere of mutual tolerance (Parekh 1991:190). Its theoretical roots lie with the Kantian categorical imperative, and take the more recent form of the Rawlsian reflective equilibrium. Here the citizen pursues an ideal of impartiality by abstracting from all the particularities that characterise individual persons and reasoning from an Archimedian point, a transcendental ‘view from nowhere’. In order to engage in such reasoning, the citizen must regard their private aims and attachments as contingent and open to revision, they must be able to distinguish between personal commitments and political principles and to give priority to the latter. In other words, the citizen must adopt a form of moral reasoning and a language of liberal citizenship which, whilst claiming to be formal rather than substantive, actually render certain substantive positions ineligible because non-universalisable.
The critics of this integrationist form of universalism argue that there is a fundamental instability in this position, rendering it non-neutral despite its self-proclaimed impartiality. To be more precise there are two sources of instability, two distinct levels of consideration relating to liberalism’s universalism. The first pertains to the type of justification given for adopting liberal principles; the second pertains to the type of policies adopted as a manifestation of these liberal principles. In other words, there is one concern regarding the status of the injunction that we should ‘treat all people as free and equal beings’ and another regarding the interpretation of the statement. The question of status leads to a debate as to whether universalism is an a priori commitment or a product of democratic deliberation. The question of interpretation leads to a debate as to whether universalism requires formal or substantive equality.

The issue concerning the universalism of status is basically this: why should someone who holds a conception of the good which does not entail a distinction between the political and the personal be compelled to accept the liberal injunction to impartiality? There are two sorts of response to this challenge, offering two different foundations for the position, one empirical, the other transcendental. The empirical claim, as made by Rawls in his latter re-statement of his position, invokes the ideals and conventions of the society in which such impartial reason is required. In other words it falls back on the notion of a common shared heritage as presumed by Marshall or a pragmatic defence of liberal institutions. This is clearly a cultural and historically specific defence, which empirically undermines the claim to universalism. The transcendental foundation for the claim offers a perfectionist defence of universalism, admitting that liberal citizenship is a substantive rather than a purely formal status. But this defence undermines the claim that the liberal conception of citizenship is actually universal in the sense of equally accessible to all, whatever their personal identities. As Taylor argues, this form of liberalism cannot and should not claim cultural neutrality because it is actually a ‘fighting creed’ (Taylor 1992:62).

Notwithstanding these concerns about the status of the liberal claim to universalism, there are many who are fearful of the consequences of abandoning it. Brian Barry, for example, takes as his object of critique the theoretical turn that would politicise group identities, where the common identity is claimed to be cultural. The argument for group rights and criticisms of
Enlightenment universalism is, Barry claims in characteristic style, 'not so much a case of reinventing the wheel as forgetting why the wheel was invented and advocating the reintroduction of the sledge.' (Barry 2001: 11) He is not alone in expressing such concerns: many see the growth of identity politics as a problematic distraction from issues of material inequality and a dangerous move towards ghettoisation: as one critic notes a 'focus on affirming identity produces debilitating political fragmentation, diverts attention from widening material inequality, and leads to a fetishism of identity groups, reinforcing the tendency of such groups to become exclusionary to outsiders and coercive to insiders.’ (Kiss 1999:194)

Moreover, despite the severity of the critiques of universalism, many ‘difference theorists’ are still wedded to a reformulation of citizenship as ideal and practice, reluctant to forego the political and moral power of appeal to the ideals of equality and universality. These theorists retain a commitment to universal citizenship, proposing a version that gains its status from democratic deliberation rather than a priori reasoning, and which endorses a requirement of substantive rather than formal equality.

Here then is the central paradox: those who would replace traditional citizenship theory with a more multi-cultural and feminist vision of social and political inclusion want to critique universalism whilst recognising that it is precisely in the universality of citizenship that it gains its political force for subordinate ethnic groups. Current attempts to develop a more inclusive citizenship are premised not on a rejection of universalism per se, but on a differentiated universalism as opposed to the false universalism of ‘traditional citizenship theory’ (Lister 1997).

2. Three Forms of Differentiated Citizenship

Whilst there is a widespread move to contrast an orthodox universal citizenship model with a differentiated citizenship model, the field of debate is evidently more complex than such a simple dichotomy implies. Universal citizenship has taken many forms, and its critics themselves are disparate group. I suggest that it is helpful to categorise those who argue for a ‘differentiated universalism’ into three distinct groups: those who argue from impartiality politics, identity politics and diversity politics.
2.1 The impartiality argument

The impartial form of differentiated citizenship, or what Taylor calls the politics of equal dignity, focuses on the centrality of autonomy, or ‘rational revisability’: the ability of the individual to rationally assess and revise their current ends. What distinguishes this impartiality perspective from more directly universalist forms of liberalism is the claim that a theory of culture is needed in order to adequately consider the context of choice. People’s capacity to make meaningful choices depends on access to cultural structures which require ‘institutional cement’ if they are to survive (Kymlicka 1995). Group-differentiated rights provide such cement and are a requirement of citizenship. Kymlicka therefore argues that minority rights are consistent with universalism. The claims of minority cultures are, after all, justified through reference to the universal rights of individuals. On his model all individuals have the same right to choose how to lead their lives. Culture provides the context within which individual make meaningful choices. So, given this, people need the security of their own culture in order to enjoy the same individual rights as others.

2.2 The identity politics argument

Identity politics focuses on the centrality of authenticity: the capacity of the individual to be in touch with their moral feelings. Our moral salvation, as Taylor argues, comes from recovering authentic moral contact with ourselves (Taylor 1992:29). Such as identity politics is concerned with authenticity as distinct from dignity, self-realisation as opposed to rational revisability. Where autonomy requires cultural structures, authenticity requires dialogical interaction. The discovery of one’s true identity is not, on Taylor’s account, a monological process, it cannot take place in isolation but rather needs to be negotiated with others and therefore depends upon one’s dialogical relation with others. Citizenship is understood as that mechanism which guarantees universal recognition and so ensures that the fundamental human need for authenticity is equally realised. Recognising the unique identity of everyone requires not an identical set of rights for all, but public acknowledgement of the particular worth of each. Whereas the impartial defence of recognition emphasises rationality as the potentiality that people universally have in common, this approach emphasises the identity that is original to each.

2.3 The diversity politics argument
In contrast to each of the above, diversity politics focuses on the centrality of transgression. It entails the questioning of the relation between reality and linguistic representation. Rather seeking to discover true identities, this approach aims to explode such expressions of ‘identity’, viewing all claims to coherence and unity as produced rather than uncovered, ‘as artefacts of analysis rather than its finds’. (Ferguson 1993:12) Identity is not only socially constructed, it is here understood to be constituted through a disparate and shifting network of inter-related discourses, with no single causal or determining factor. As William Connolly notes: ‘Identity is thus a slippery, insecure experience, dependent on its ability to define difference and vulnerable to the tendency of entities it would so define to counter, resist, overturn, or subvert definitions applied to them. Identity stands in a complex, political relation to the difference it seeks to fix.’ (Connolly 1991:64)

From this perspective the subject turns out to be discursively constituted by the very political system that is supposed to facilitate its emancipation. Politics is here made to question group loyalty and subvert group identities. It provides the basis for an ‘agonistic democracy’ which ‘disturbs the dogmatization of identity’. (Connolly 1991:x) Where the impartiality of equality politics generates the political minimalism of democratic individualism and identity politics generates the political expansiveness of democratic consensus, the genealogical politics of difference generates a concern to question each, to challenge the confinement of democracy to the governmental institutions of the territorial state (Connolly 1991:xi). It seeks to overflow state boundaries in a manner that leaves it little concerned with questions of territorially bound citizenship.

2.4 Complex Differentiated Citizenship Models
This distinction between the three distinct defences of a differentiated citizenship matters largely because its critics tend to take the most problematic defence as the one they do battle with. Barry, for instance, argues that the politics of difference is a formula for manufacturing conflict because it rewards the groups that can most effectively mobilise to make claims on the polity, or at any rate rewards ethnocultural political entrepreneurs who can exploit its potential for their own ends by mobilising a constituency around a set of sectional demands.
He wants to characterise all his perceived opponents as adopting this position because it is the easiest one to reject

Among feminist and multicultural theorists there are advocates of impartiality politics, identity politics and diversity politics, and charges of essentialism apply only to certain advocates of identity theorists. The essentialist feminist vision, sometimes called maternalism (Ruddick), or radical feminism, offers a vision of women as a homogeneous group universally oppressed by men. The essentialist multicultural vision, sometimes called a millet model (Parekh), sometimes primordialism (Templemen), or ethnic absolutism (Gilroy) or culturalism (Dirlik), offers a crude vision of homogeneous, discrete minority groups. It is perhaps because of its crudeness that many public policies around Europe adopt this model (Modood). But if one looks at the academic literature it is overwhelmingly characterised by criticism of essentialism and a rejection of these models of gender and ethnicity. There are also numerous practical examples of non-essentialist arguments for a differentiated citizenship. Women Against Fundamentalism, for example, a group set up in the wake of the Rushdie affair to ‘challenge to assumption that minorities in this country exist as a unified, internal homogeneous group’, oppose the idea of the seemingly seamless Muslim consensus in Britain.

Given this, rather than continuing to reject all models of multiculturalism on the basis of their putative essentialism, a more interesting project is to press those who adopt a non-essentialist hybrid conception of identity to explain how one can create a differentiated citizenship without also reifying group identities.

3. Feminism and Multiculturalism: tensions and commonalities

In surveying these competing accounts of differentiated citizenship I have not distinguished between feminist and multicultural perspectives, implying that they share a common project

1 Barry presents Young’s proposals for group representation as requiring an essentialised and naturalised conception of groups as internally homogeneous, clearly bounded, mutually exclusive and maintaining specific determinate interests. We have to turn to the footnote to read that Barry is aware of the fact that Young actually ‘explicitly repudiates this conception of groups’ (2001: 330 n.16). There is, I allow, a tension between Young’s theoretical commitment to social groups, which are explicitly relational and therefore not internally homogeneous or mutually exclusive, and her proposals for group representation. But the significant point is that she is not committed in principle to what Barry is critiquing.

2 Yasmin Alibhai-Brown, also acknowledges that ‘there is a problem for liberal democracy in trying to reconcile equality and difference through the British approach to “multiculturalism”, which has made it much too easy for politicians to deal with self-appointed “community leaders”, and much too difficult for black and Asian Britons to have rich, multiple identities.’ (BBC Analysis)
and can be considered according to a common typology. Not everyone shares this assumption.

Some difference theorists do see a close link between feminism and multiculturalism. As Anne Phillips notes, 'both tackle issues of inequality and oppressions' and importantly, the oppressions they address arise from a failure to recognise people as equal, a failure that 'seems to be bound up in some way with an inability to accept difference' (Phillips 2001:6). She suggests that those pursuing cultural and sexual equality share a critique of false universalism, which generalises both from one sex and from one culture.

Others, notably Susan Moller Okin, suggest that multiculturalism and feminism not only stand in tension one to another, but that multiculturalism is bad for women. Multiculturalism frequently entails allowing exemptions to universally applicable rules. In most cases these exemptions allow for greater inequality between women and men than does the universal rule. She argues that we must therefore decide whether to prioritise cultural group rights or women's equality (Okin 2000). Martha Nussbaum similarly suggests that the liberal emphasis on individual rights is crucial for women, whose interests are frequently subsumed under the 'greater good' of the family or community. She, like Okin, assumes feminism and multiculturalism to be in tension, with feminism demanding greater liberal individualism and multiculturalism calling for less (Nussbaum 1999).

The problem with this stance is that it invokes a form of universalism already challenged by numerous feminist assertions of the importance of recognising sexual difference. Having focused its critique on 'false (gendered) universalism', feminism opens up the possibility that the universal rule of sexual equality could itself be a form of 'false (cultural) universalism'. The prioritisation of the rights of individuals over the rights of groups, of autonomy over duty, of choice over responsibility, may itself be the generalisation of a culturally specific norm.

There are legitimate concerns about universalism then. As Phillips notes: 'Principles of justice are always formed in a particular historical context, and often reflect the preoccupations of more powerful groups.' (2001:16) This does not necessitate the denial of the universal applicability of principles, but it does require that one be attentive to the
contingency of their derivation, and remain open to the possibility of their reformulation. On the other hand there are also legitimate concerns about cultural relativism. Cultures are not monolithic and internally self-consistent. There will always be internal disputes and difference of beliefs within cultures. Moreover, given the porosity of cultures, beliefs that emerge within one culture can usefully be used to assess the practices of another, contrary to some renderings of cultural relativism.

In other words, the tensions between feminism and multiculturalism appear greatest when feminism is understood to embody impartiality politics and multiculturalism identity politics. The shared agenda, in contrast, appears strongest when both are addressed from the diversity politics framework. The diversity approach rejects the false universalism implicit in narrow accounts of impartiality and also refuses the cultural relativism implicit in reductive accounts of identity. More positively, I want to argue that it should endorse a ‘contextual impartiality’ and emphasise the importance of mechanisms of inclusive democratic deliberation. These two facets of the diversity model of differentiated citizenship (to be considered in turn below) are inter-connected in that the universalism claimed is likely to be a 'false universalism' as long a certain groups are marginalised from the decision-making arenas. In such circumstances, Young is right to suggest that appeals to impartiality will have the effect of reasserting a dominant perspective as if it were a universal point of view (Young 1990), but she is wrong to imply that impartiality itself needs to be rejected 3.

The attempt to negotiate a path between universalism and difference - both sexual and cultural - to create a coherent model of differentiated universalism rather than an oppressive model of false universalism, requires an ideal of impartiality, but one that is attentive to issues of inclusion as well as uniformity. Such an ideal of impartiality will inevitably entail an account of democratic participation. The sorts of democratic practices adopted will be crucial in determining just how inclusive the decision-making process is, and hence how impartial the policies and norms generated are. It is vital that the mechanisms of participation allow for real inclusivity, which means both that they need to challenge existing inequalities via affirmative action policies to bring new people in, and that they need to avoid

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3 See Monica Mookherjee ‘Justice as Provisionality: An Account of Contrastive Hard Cases’ (paper presented at the Gender Equality versus Cultural Recognition seminar series, LSE February 2001) for a similar argument in
institutionalising that form of cultural relativism which assumes homogeneity within groups and incomprehensive between them. Impartiality will have to be understood in a dialogical rather than a monological way if the challenge of the difference theorists is to be adequately addressed, and this will entail linking theories of justice as impartiality with detailed accounts of the practical arrangements of democratic inclusion.

4. Impartiality as uniformity and inclusivity

In order to make his case against multiculturalism Barry represents his liberal model as being primarily about the uniform application of rules. When considering the issue of the 'rule and exemption' approach to legislation, Barry notes that prudence and generosity (if not justice) might suggest that it is wise to consider introducing exemptions to rules for particular groups for whom the law bears particularly harshly. He acknowledges that the alternative is to work out some less restrictive alternative form of the law that would adequately meet the objectives of the original one while offering the members of the religious or cultural minority whatever is most important to them (Barry 2001:40-50). But what motivates this attempt to develop a more inclusive articulation of the law is not justice, but prudence or generosity. Given this Barry offers no theoretical or coherent criteria for deciding when this should take place, or how it is to proceed. He is primarily concerned with equal treatment, where uniform rules create identical choice sets, ensuring that opportunities are equal. But it is not sufficient for rules to be applied uniformly: it also matters that citizens have an equal opportunity to take part in the decision-making process whereby rules are formulated. If there was real inclusiveness in the process of decision-making then the requirement of uniform application would look much more equitable than it does currently. In other words a more detailed consideration of how justice is bound up with democracy would be helpful.

relation to James Tully’s rejection of the ideal of impartiality in his Strange Multiplicity (Cambridge University Press: Cambridge, 1995)

4 For a fuller discussion of this argument see Judith Squires, ‘Impartiality in Feminist Theories of Justice and Caring’. Paper prepared for the panel on ‘Feminism and Impartiality’, UK Political Studies Association Annual Conference, London School of Economics, April 10-13th, 2000

5 Barry does of course acknowledge that the liberal doctrine is not that any old law is satisfactory merely on condition that it has uniform application. Laws must provide equal treatment for those who belong to different religious faiths and different cultures. Nonetheless, uniform application is a central principle for his liberal egalitarianism.
The argument is not simply that laws will have differential impacts on different people and that some will like them better than others. The argument is more that if some people are structurally marginalised from the rule-formation process, the rules are likely to be systematically distorted. It was for this reason that Rawls went to all the trouble of proposing the veil of ignorance. Another, more dialogical, response is to suggest that we develop a fully inclusive political citizenship that enables all citizens to participate in the rule-formation process. For, as Phillips suggests: 'Perspectives matter, for consciously or not, all of us draw on local knowledge and past experience in making our political judgements, and we often reach contrasting conclusions depending on our location in hierarchies of power.' (Phillips 2001:18)

This point becomes clear in relation to Barry's critique of Young's arguments about the 'myth of merit'. Young argues that the ideology of merit seeks to depoliticise the establishment of criteria and standards for allocating positions and awarding benefits. She proposes, in its place, that democratic decision-making about the filling of jobs and offices is a crucial condition of social justice. Barry's response is that, 'once it becomes the orthodox view that the criteria for filling jobs are up for grabs, jobs will go to the members of whichever faction or coalition comes out on top.' (2001:102) We are apparently presented with a straight choice: justice or democracy - fairness or majority-interests. But in much of the proceeding discussion Barry himself notes that the existing criteria of merit (formal qualifications and tests scores) is an unreliable predictor of ability to do a job well, and appear to systematically disadvantage Afro-Americans. Does Barry want to support this criterion nonetheless: is it fair? Surely we ought to be concerned to allow for some more inclusive consideration of what just criteria of merit might entail? Barry says that 'the liberal conception of fairness in employment depends on the possibility of reasoned argument about the appropriate criteria.' (2001:103) But who is to take part in this argument and who decides what counts are 'reasoned'? Unless we give compelling, democratic, answers to these questions, we leave ourselves vulnerable to charges of false neutrality. The implication, ironically given by both Barry and Young, is that politicisation is some kind of substitute for impartiality. In contrast, I would suggest that democratic debate and decision-making are themselves necessary preconditions of impartiality.
A dialogical form of impartiality, sensitive to issues of collective otherness, might usefully replace the monological form of impartial moral reasoning. Those engaged in the pursuit of impartial justice would then be enabled ‘to speak and be heard, to tell one’s own life-story, to press one’s claims and point of view in one’s own voice.’ (Fraser 1986: 428) This suggests that the commitment to impartiality be retained, but that the process for grounding impartiality is transformed. The project, as articulated by Shane O’Neill, is ‘to conceive of how we might reflect critically, and impartially, on principles of justice without abstracting from concrete needs and interests that are particular to some social group or other.’ (O’Neill 1997:55) His suggestion is that this will only be possible ‘if we can ground impartiality not in a hypothetical contract but rather in a conception of a reasonable yet open and unrestricted dialogue in the public domain.’ (O’Neill 1997:56) Similarly Melissa Williams argues that ‘one of the central aims of deliberative theory is to redeem the ideal of impartiality by defining political processes in a manner which avoids bias against valid social interests.’ (Williams 2000:126) Like O’Neill, Williams declines to repudiate the concept of impartiality altogether, rejecting the necessary association of impartiality with only a ‘juridical model of justice’ associated with deductive reasoning, the impersonal judge and unsustainable claims to moral authority (Williams 2000:128).

If we opt for a contextual impartialism then we must also provide the practical details of the mechanisms for ensuring inclusiveness and absence of bias within deliberative arenas. Put more simply, the debate about impartial justice requires a debate about democratic participation.6

The mechanisms of democratic inclusion required of a differentiated universalism will need to ensure that cultural and sexual differences are recognised rather than assimilated, but will also need to avoid adopting a monolithic understanding of either sex or culture which would silence internal diversity and debate. It is in this context that it is worth looking at some of the arguments for group representation, to see if these proposals appear likely to achieve this goal.

6 This proposal echoes Ian Shapiro’s claim that the conventional academic opposition between democracy and justice ‘misses the reality that no account of one that undermines one’s moral intuitions about the other is likely to be judged satisfactory for long.’ (1999: 20-1) Accordingly, his aim is to ‘articulate a conception of justice that accords a central place to democratizing social life, and a view of democracy that can be justice-promoting rather than justice-undermining.’ (1999:21)
5. Group Representation

The case for equalising women's access to decision-making arenas is one central way of negotiating the perceived tension between feminism and multiculturalism. Women, including especially women from ethnic minority cultures, need to be present in the decision-making arenas in order that their perspectives can inform policy-formation and contribute to the establishment of just social norms.

But what are the best mechanisms for ensuring genuine inclusivity in democratic deliberation? Within the multiculturalism literature special representation rights are frequently proposed as a means of ensuring due recognition. It is argued that current liberal constitutionalism does not, despite its rhetoric, allow for equal participation for all within the political body. Based in a long-admired liberal commitment to tolerance, differences of identity have been transcended in the political sphere: firmly jettisoned from the public-political arena into the sphere of civil society. Given that collective identities that are not amenable to erasure have not been 'recognised' and therefore validated, it is frequently argued that we now need to endorse group representation as a mechanism of inclusion.

Identity politics offers a clear endorsement of group representation as an appropriate strategy for realizing a differentiated citizenship. And, whilst both the impartiality and diversity approaches offer important arguments for being sceptical about group representation, certain theorists within each of these camps have nonetheless endorsed this strategy. Whilst most impartiality theorists have traditionally argued against group representation, some have recently adopted the very same principle to argue for special representation rights (Kymlicka 1995). It is less obvious what practical arrangements the diversity theorists envisage, given that their aim has primarily been to ‘ventilate and supplement’ the institutional politics of territorial democracy rather than engage directly with them (Connolly 1991:xii). Some refuse to engage directly with the debate at all (Connolly 1991) others directly reject group representation (Mouffe 1992:369-385) and still others specifically endorse it (Young 1990).

Young claims that existing electoral and legislative processes are 'unrepresentative' in the sense that they fail to reflect the diversity of the population in terms of presence, leading her to demand that a certain number of seats in the legislature be reserved for the members of
marginalised groups. This call is made on the assumption that under-representation can be overcome only by resorting to guaranteed representation and that representing difference requires constitutional guarantees of group participation within the parliamentary system. She offers the following defence of group representation:

Group representation unravels the false consensus that cultural imperialism may have produced, and reveals group bias in norms, standards, styles and perspectives that have been assumed as universal or of highest value. By giving voice to formerly silenced or devalued needs and experiences, group representation forces participants in discussion to take a reflective distance on their assumptions and think beyond their own interests. (Young 1994:136)

Significantly, this model of group representation appeals to the notion of deliberation. Young's vision avoids the charges of essentialism and ghettoisation, often levelled at group representation, by insisting that members of subordinate groups will engage in reflective deliberation with others, thereby broadening their horizons and coming to a decision that is best for everyone. In this way her argument for group representation is embedded in a commitment to communicative democracy, which distances it from more essentialist versions advocated by identity politics theorists.

This appeal to communicative democracy is important not only as a means of avoiding an essentialist identity politics, but also because, as Williams has pointed out, mechanisms of group representation alone will not guarantee that the presence of marginalised groups in decision-making arenas will have an impact of the decisions made: 'If decision-making is competitive and majoritarian, there is nothing to prevent the more powerful and numerous participants from ignoring marginalized-group voices.' (Williams 2000:124) She suggests that 'the only hope that marginalized-group presence will have a lasting effect on policy outcomes is that decisions are based not only on the counting of votes but also on the sharing of reasons.' (Williams 2000:125) Williams therefore claims that defenders of group representation and theorists of deliberative democracy are natural allies. This is an interesting claim given that advocates of group representation who endorse an identity politics approach are highly critical of the liberal state's claim of impartiality and the liberal vision of universal citizenship, whereas advocates of deliberative democracy aim to redeem the ideal of impartiality.

What becomes clear is that there are clear limitations to using group-representation as the central strategy for realising a differentiated citizenship. One obvious limitation is that it can
all too easily lead one into an essentialist identity politics. But what also emerges is the fact that defenders of both impartiality and diversity politics nonetheless advocate models group representation, which they hope will escape this charge.

In other words, special representation rights may be a positive mechanism for realizing a differentiated citizenship if one can constitute political procedures (which inevitably posit some stability of identity and require exclusions of certain differences) that are genuinely inclusive and yet still allow for deliberation and heterogeneous difference. The issue is whether it is possible to envisage such a mechanism within the context of existing democratic structures. In order to do just this, I propose to survey the strategies that have emerged to increase women’s political representation to see what lessons might be learnt there.

6. Women’s Political Representation
Throughout the 1980s and 1990s women campaigned for increased representation, working within political parties for organisational and electoral reforms. Attention has been focused on four main areas: the electoral system (the introduction of new voting systems, notably multi-member constituencies and party lists), party organisation (the use of measures by particular parties to boost representation and the impact of internal structures), the laws governing the selection process (the adoption of new for candidate selection, notably legally-binding quotas), and the policy formation process (the creation of new structures of government, notably the establishment of ministries for women and women’s units).

6.1 Electoral Systems
It is now widely accepted that one of the most significant factors explaining cross-cultural differences in the representation of women is the electoral system. Research indicates that electoral systems with a high number of seats in multi-member constituencies facilitate the entry of women (Lovenduski and Norris 1993:312). Party list systems based upon proportional representation (PR) are likely to produce more women in parliament than plurality systems (Lakeman 1994; Duverger 1955; Lovenduski 1995). The Inter-Parliamentary Union states, 'Studies of the subject have been broadly unanimous in finding that national parliaments in which over a quarter of the seats are held by women are those elected by proportional representation or a mixed system. Conversely, in countries where there is a majority system, women's representation in the lower chamber remains low despite
recent progress and a few exceptions to the rule’ (IPU 1999:37). A comparison of the representation of women to the national legislature of fifty-three democratic states in May 1999 reveals that women were: 10.8 per cent of MPs in majoritarian systems, 15.1 per cent of MPs in mixed or semi-proportional systems, 19.8 per cent of MPs in PR systems. In other words, ‘women proved twice as likely to be elected under PR than majoritarian electoral systems.’ (Norris 2000b:2) Moreover, the role of the electoral system is proven to be independent of levels of socio-economic and political development (Norris 2000b:2).

6.2 Party Organization

There is a clear consensus amongst comparative studies of the representation of women in parliament that quotas also have a positive impact on the numbers of women represented. The European Commission document ‘Women in political decision-making positions’ states that: ‘Quotas regulations are an important tool for giving women access to leading political positions.’ (2000: 17) Pippa Norris and Ronald Inglehart state that: ‘The adoption of quotas for female candidates in internal party rules has proved one of the most important and successful means for getting more women into office, especially in bureaucratic mass-branch parties where the rules count.’ (Norris and Inglehart 2000:14) Miki Caul found, following a study which compared women’s representation in a dozen advanced industrialized societies in the late 1980s, that women were 28 per cent of MPs in parties with gender quotas, compared with 22 per cent of MPs in parties without quotas (Caul 1999). Meg Russell states that: ‘Since quotas were first adopted by European parties women’s representation has increased dramatically in some cases.’ (Russell 2000:14) In other words quotas have had a significant and positive impact of the number of women represented in national legislatures around the world.

The term ‘quotas' covers a range of strategies, which may differ in three significant regards: quotas can be set at different levels (for example, 20 per cent or 50 per cent); they can be applied at different stages of the selection process (for example, internal party offices or shortlist of parliamentary candidates); and, most significantly, they can be implemented either by law or by internal party rules (Norris 2000a:3). A pertinent distinction can be made therefore between those affirmative action strategies that are adopted voluntarily by a particular political party and those that are implemented across a polity as a result of legislative action requiring action to promote gender equality. In other words the term
‘quotas’ can be applied to strategies that fall under both ‘party organization’ strategies and
‘legally imposed quotas’. Norris finds that: ‘in general, ceteris paribus, the higher the level of
the specified quota, the closer the quota is applied to the final stages of election, and more
binding the formal regulation, the more effective its impact.’ (Norris 2000a:3)

6.3 Laws Governing the Selection Process
Legally imposed quota systems have been introduced in Belgium, Italy and France. Belgium
passed a law in 1994 requiring that a minimum of 25 per cent of women be on all party lists
for election. In 1999 this quota was increased to 33 per cent. The quota does not however
state where women are placed on the list and its impact has, as a result, been limited. Italy
passed a law in 1993 requiring parties to use the zipping system for elections using list
systems. This was ruled unconstitutional by the Constitutional Court in 1995. In France the
government introduced legally-imposed quotas of 25 per cent women candidates for local
elections in 1982. This policy was dropped following a complaint to the Constitutional
Council and a subsequent ruling that the law breached the constitutional right to equality. In
1999 the Jospin government passed a constitutional amendment that inserted a new clause:
‘The law will encourage equal access for women and men to political life and elected posts.’
Following this a new electoral law was passed, in May 2000, which regulated the proportion
of women candidates in local, regional and European elections.

6.4 Policy Formation Process
Campaigns to change electoral systems, party organisation and the selection process focus on
the descriptive representation of women, or the number of women in parliament. Campaigns
to change the policy formation process, on the other hand, focus on the substantive
representation of women’s interests, rather than on the numbers of women present. This focus
on the policy formation process has been promoted via a strategy of ‘mainstreaming’.

Mainstreaming has been adopted by most European states (Council of Europe 1998), by the
European Union (article 3[2], EC Treaty) and by the European Commission (European
Commission 1996). It requires the integration of a gender dimension into policy-making,
aiming to transform policy so as to take account of gender inequality. In contrast to rights-
based strategies for equality, which concentrate on laws and policies that outlaw sex
discrimination and that promote equal rights, mainstreaming shifts attention 'from equality of treatment to equality of impact.' (Beverdige et al 2000:386)

Comparative studies of national machinery for women, such as women’s ministries and women’s units, have found that such structures do contribute to the formation of women-friendly policies and also increase the access of women’s movement activists into the political process (Mazur and McBride Stetson 1995:272). Moreover, mainstreaming is increasingly being applied to equality issues per se, rather than gender issues alone. The Scottish Parliament and Welsh Assembly both have Equality Units, rather than Women's Units, which enables them to address crosscutting issues of hybridity and diversity.

In order for mainstreaming to be effective it must enhance the inclusion and participation of women in the decision-making process of society and, in particular, reduce or eliminate gendered barriers to inclusion and participation. The policy-making process must also privilege consultation with a range of women's organisations and interests. The requirement of the first feature is based on the theory that the presence of women in decision-making bodies will result in greater prominence being given to gender issues (Phillips, 1995; Norris, 1996). The second feature is designed to deal with the fact that there is such diversity amongst women that an increase in the number of women in parliament may not be sufficient to ensure that the full range of women's interests are promoted.

Mainstreaming is viewed as an important strategy for pursuing gender equality for two reasons. The first is that the rights-based strategy for equality defines equality in such a way that men become the standard against which women are measured. As a result the laws that are intended to eradicate discrimination fail to address its root cause, because they fail to challenge the assumption that men are the norm (Beveridge et al 2000: 387). The shift from equality of treatment to equality of impact allows the apparent dichotomy between equality and difference to be overcome and introduces a more transformative political agenda (Lister 1997; Squires 1999). The second reason why one might pursue mainstreaming is that in practice the strategy has 'met with little resistance from those who would find positive discrimination unpalatable.' (Beverdige et al 2000:391) Because policies are assessed for

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their adverse impact on women and men, policy-makers generally perceive such strategy to be fair.

6.5 Evaluating the strategies for increased representation

Significant determinants of the level of women’s descriptive representation in parliament are the electoral system and the implementation of strategies of affirmative action. Strategies of affirmative action can include either those that are implemented across a polity as a result of legislative action requiring action to promote gender equality or those adopted voluntarily by a particular political party. The level of women’s substantive representation is determined by the nature of the policy formation process.

Amongst these strategies it is quotas, which entail the clearest appeal to the principle of group representation, that have been the most controversial. As the Concluding Statement from International Parliamentary Union Conference reveals: ‘It is clear to us all that quotas are only a necessary evil which should be applied on a temporary basis in order to redress the current dramatic imbalance between men and women and that they should be abolished once the desired effect has been achieved.’ (IPU Conference 14-18 February 1997, quoted in IPU 2000:68)

Quotas have been contested in many quarters for a variety of reasons. In some countries with ethnic minorities or stratified social hierarchy, quotas have run into conflict with 'competing' demands (for example, with scheduled castes in India). Quotas have been challenged in supreme courts as a breach of the principle of universality and of equality of citizenship (for example, in France and Italy). They have been contested in courts and in industrial tribunal (for example, in the United Kingdom, in 1996, the Labour party’s all women shortlists were ruled to be breach of fair employment practices). The desirability of quotas have been disputed by their intended beneficiaries, who have argued that such guaranteed targets turn a lower limit into a ceiling that should not be breached. The practical operation of quotas have been questioned because they are not self-executing: under a list system, quotas only work if women candidates are placed in a favourable positions on the list; under a single-member constituency system, they work only if the constituencies in which women stand are, in political terms, winnable seats. Moreover, critics charge that those elected to office by means of a quota will lack legitimacy and authority because the means of their election will be
perceived as being in some sense unfair and manipulative. And finally, quotas can generate disunity in parties through the dissatisfaction of those excluded from selection procedures.

Reform of the electoral system, on the other hand, has the advantage of being equally effective in increasing the number of women in parliament, and so establishing the possibility for a more differentiated citizenship, without generating the anxieties associated with special representation rights generally and quota systems in particular. This is therefore an important strategy to pursue. However both strategies focus primarily descriptive representation. The relation between this and the substantive representation of women remains complex.

In her analysis of the concept of representation, Anne Phillips (1995) differentiates between the politics of ideas and the politics of presence. She argues that there has been a shift in focus from the politics of ideas (a question of what) to the politics of presence (a question of who). Traditionally, within the liberal tradition, there has been a celebration of diversity and difference. However, this has been difference in opinions, beliefs, preferences and goals, all of which stem of diversity of experience but are considered as detachable from this (Phillips 1995; 6). Such understanding of diversity has proved inadequate in accounting for political exclusion, as it does not matter who presents the range of ideas. Nevertheless, Phillips argues that while a politics of ideas is an inadequate vehicle for dealing with political exclusion, there is little to be gained by simply switching to a politics of presence:

Most of the problems, indeed, arise when these two are set up as exclusionary opposites: when ideas are treated as totally separable from the people who carry them; or when the people dominate attention, with no though give to their politics and ideas. It is in relationship between ideas and presence that we can best hope to find a fairer system of representation, not in a false opposition between one or the other (Phillips 1995; 25).

Advocates of both electoral reform and quota policies tend to appeal to a politics of presence argument to justify the need for these strategies. However, it is easier to raise doubts about the ability of men to represent women than to put the positive case concerning whether women’s interests will be better represented by women (Sawer 2000; 363). Indeed the presence of women can be used as an alibi for policies with a disproportionate impact on women, such as cuts to child-care funding (Sawer 2000; 363).

So a politics of proportionate presence alone will not do: it focuses attention to narrowly on institutional mechanisms and obfuscates the socio-economic and cultural implications of the
decision-making carried out within these institutions. It needs to be crosscut with a politics of ideas, which pays attention to the decisions made. And, importantly, it needs to do this without invoking essentialist notions of gendered identity. The strategy of mainstreaming seems to offer a positive way forward in this regard.

This is relevant to the broader debates about identity-based claims to citizenship, I suggest, because it offers an alternative strategy for pursuing a differentiated citizenship, and one that avoids many of the problems associated with the more widely discussed strategy of group representation. A strategy of mainstreaming aims to transform policy-making so as to take account of inequality. Because the strategy focuses on equality of impact rather than equality of treatment it bypasses the dichotomy between 'equality' and 'difference' that has so hampered feminist debates (Lister 1997), and which - in a similar manner - increasingly characterises multicultural debates concerning impartiality and cultural identity.

Moreover, because the strategy requires for its success the integration of subordinate groups (whether they be women or cultural minorities) into the policy-formation process, it fosters inclusivity without institutionalising and reifying the fluid group identities of civil society. Finally, in the process of facilitating inclusiveness in the policy-formation process and auditing policies for their potential impact on different identity groups, mainstreaming ought to provide a mechanism for avoiding rule-and-exemption policies.

In addition, this approach indicates that an important strategy for resolving the apparent tensions between feminism and multiculturalism is to address these via particular political practices rather than via abstract philosophical norms. If one endorses a form of contextual impartiality that acknowledges the contingent derivation of universally applicable norms, it becomes vital to secure the maximum possible participation in the dialogues that generate these norms. Issues of democratic participation or political representation then become central.

**Conclusion**

I have suggested that there is a case for differentiated citizenship as opposed to a falsely universalist model, and that there are three possible theoretical bases from which one might engage in this task: impartiality politics, identity politics and diversity politics. I also
suggested that the identity politics model is the least appealing of the three and that the diversity politics model is currently the least specific in relation to institutional arrangements of the three. In order to address this lack of specificity I offer a specific reading of diversity politics that rejects the false universalism implicit in narrow accounts of impartiality and also the cultural relativism implicit in reductive accounts of identity. I suggested that this version of diversity politics requires the endorsement of a ‘contextual impartiality’ and an account of the mechanisms of democratic inclusion. By way of indicating what sort of mechanisms might best facilitate a democratic inclusion that recognises difference without essentialising or institutionalising particular identities, I surveyed recent strategies for increasing women’s representation and suggested that group representation is not the only, or perhaps most desirable, way forward and that the strategy of ‘mainstreaming’ offers a mechanism that is appropriate to a diversity based account of differentiated citizenship.

In other words, the model of differentiated citizenship that is most appealing is one that retains a commitment to impartiality, but revises this to include both absence of bias and inclusivity. Securing inclusivity will require paying attention to the mechanisms of democratic inclusion. Multicultural theorists have tended to present this issue as a debate between individual rights and group representation rights but this may not be the most positive way forward. The literature on women’s political representation indicates that inclusivity can be achieved without making appeal to potentially reductive group representation policies, such as quotas. Mainstreaming, and its institutional manifestation in equality units, offers an interesting way forward for multicultural theorists. This approach is productive because it shifts the debate away from a focus on arguments concerning equal versus different treatment towards an emphasis on equal impact. This in turn requires that diversity be recognised within the policy-formation process, which makes it possible to balance the universal and the particular in a way that avoids recognition becoming an instrument of regulation.
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