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Representing Diversity

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'Mirror representation' or a 'politics of presence' presupposes relatively modest levels of diversity among those being represented. If the groups to be represented are too numerous, internally too heterogeneous or too cross-cutting, too many representatives will be required for the assembly to remain a deliberative one where 'presence' can have the effects its advocates desire. In those circumstances, what is being represented ought be conceptualized as the 'sheer fact of diversity' rather than 'all the particularities of the diversity among us'. The appropriate response to that is legislative reticence.

At America's founding, John Adams insisted that a legislature 'should be an exact portrait, in miniature, of the people at large, as it should feel, reason and act like them'.[1]

Others demurred. Most famous were federalist patricians such as Alexander Hamilton. Blest with a touching faith in the capacity and willingness of the 'better classes' faithfully to represent the rest, they thought it unnecessary (as well as unwise) for the legislature to mirror the population at large.[2]

Anti-federalists in contrast thought it highly desirable – but also, in so large a union, wildly impractical – for the legislature to mirror the population as a whole. The pseudonymous pamphleteer 'Brutus' put their point most forcefully:

> Is it practicable for a country so large and so numerous … to elect a representation that will speak their sentiments, without their becoming so numerous as to be incapable of transacting public business? … The United States includes a variety of climates. The production of the different parts of the union are very variant, and their interests, of consequence, diverse. Their manners and habits differ as much as their climates and productions; and their sentiments are by no means coincident. The laws and customs of the several states are, in many respects, very diverse, and in some opposite … [O]f consequence, a legislature, formed of representatives from the respective parts, would not only be too numerous to act with any care or decision, but would be composed of such heterogeneous and discordant principles, as would constantly be contending with each other.[3]

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[1] John Adams, 'Letter to John Penn, 1776', in *Works of John Adams* (Boston: Little, Brown, 1951), vol. 4, p. 205; quoted in Hanna F. Pitkin, *The Concept of Representation* (Berkeley: University of California Press, 1972), p. 60.

[2] 'It is said to be necessary that all classes of citizens should have some of their own number in the representative body, in order that their feelings and interests may be better understood and attended to. But … under any arrangement that leaves the votes of the people free … the representative body … will be composed of land-holders, merchants and men of the learned professions … [W]here is the danger that the interests and feelings of the different classes of citizens will not be understood or attended to by these three descriptions of men?' (Alexander Hamilton, *Federalist No. 35*, in Jacob E. Cooke, ed., *The Federalist* (Middletown, Conn.: Wesleyan University Press, 1961; originally published 1787–88), pp. 220–1).

[3] Brutus, 'Letter to the *New York Journal*, 18 Oct. 1787', reprinted in Herbert J. Storing, ed., *The Anti-Federalist* (Chicago: University of Chicago Press, 1981), pp. 114–15.

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By The Federalist's (which is to say, Hamilton's) own account, this was the most serious, or anyway the most common, objection to the proposed US Constitution: 'the house of representatives is not sufficiently numerous for the reception of all the different classes of citizens, in order to combine the interests and feelings of every part of the community, and to produce a due sympathy between the representative body and its constituents'.[4]

That in my view remains one of the most serious worries to be faced by modern mirror-style models of representation, most notably that of Anne Phillips's *Politics of Presence*.[5] Such proposals are a response to the fact of diversity.[6] But with too much diversity, those proposals prove impossible to implement. Too little diversity, and a 'politics of presence' is unnecessary. Too much, and it is impossible.

Of course, the Goldilocks possibility remains: the amount of diversity might be 'just right' for the politics of presence to prove both necessary and feasible. Phillips offers good reasons for thinking that that will prove true in some genuinely important cases.[7] But in other important cases – and perhaps, upon closer inspection, even in some of Phillips's own – that will not be true.

For cases when diversity is too great for the politics of presence to work in the ordinary way, I shall propose a variant on that strategy. There, the chief function of the physical presence of others who differ from you is, in that connection, merely to remind you of the 'sheer fact of diversity' within your community.

In that variant, there is no pretence that the particular others who happen to be present alongside you in the deliberative assembly are a fully representative sample of that diversity. The diversity is too great for a really representative sample to assemble together to deliberate anything. Still, merely being reminded of the sheer fact of diversity can have salutary effects on the behaviour of such representatives as are assembled. Being reminded that we are diverse, in ways the present assembly has no hope of fully capturing, might even make representatives more solicitous of those not present than they would have been had there been a reliable sample of all distinct groups present in the chamber.

[4] Hamilton, *Federalist No. 35*, p. 218.

[5] Anne Phillips, *Politics of Presence* (Oxford: Clarendon Press, 1995). There is more to the 'politics of presence' than simple mirror representation, in ways I acknowledge and incorporate in my critique at fnn. 24, 29 and 44 below. I focus here purely on legislative representation, although similar issues would presumably arise in trying to make all relevant differences physically present in executive or judicial settings as well.

[6] To quote Phillips, *Politics of Presence*, p. 5: 'Many of the current arguments over democracy revolve around what we might call demands for political presence: demands for the equal representation of women with men; demands for a more even-handed balance between the different ethnic groups that make up each society; demands for the political inclusion of groups that have come to see themselves as marginalized or silenced or excluded. In this major reframing of the problems of democratic equality, the separation between "who" and "what" is to be represented, and the subordination of the first to the second, is very much up for question. The politics of ideas is being challenged by an alternative politics of presence'. Iris Marion Young similarly insists that democracy 'should provide mechanisms for the effective recognition and representation of the distinct voices and perspectives of those of its constituent groups that are oppressed and disadvantaged' (*Justice and the Politics of Difference* (Princeton, N.J.: Princeton University Press, 1990), p. 184, quoted by Phillips, *Politics of Presence*, p. 21).

[7] Phillips, *Politics of Presence*, p. 7, insists that her proposals operate 'not [in] the world of mind-stretching political utopias, but one of realistic – often realized – reforms'. She offers as examples 'the quota systems that have been adopted by a number of European political parties to deliver gender parity in elected assemblies, or the redrawing of boundaries around black-majority constituencies to raise the number of black politicians elected in the USA'. Those, I shall be arguing, are exceptional cases rather than typical ones.

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REPRESENTATION WITH MIRRORS

The 'mirror' model of representation recurs throughout modern political history. It figured in feminist pleas in revolutionary France.[8] It figured in Sidney and Beatrice Webb's complaints against the unreformed House of Lords.[9] It figured in the McGovern reforms to the Democratic National Convention in 1972.[10]

Throughout this long history, the exact nature and grounds for mirror representation have tended to vacillate between two logically quite distinct propositions. Sometimes the claim seems to be that demographically unrepresentative assemblies cannot (or anyway usually do not, in practice) represent well the *ideas and interests* of excluded groups.[11] Other times the claim seems to be a more symbolic one, that demographically unrepresentative assemblies cannot represent the *identities and images* of the excluded.[12]

There is generally no need to choose between those two grounds for a politics of presence, however. In the typical case both of those propositions are true. Making the assembly mirror the identities and images of people in the larger society is typically one good way to help ensure representation of their ideas, interests and opinions, as well.[13]

Occasionally of course there may be no systematic difference in the policy preferences of different groups in society. Survey research showed none between men and women in the period of the McGovern reforms to the US Democratic National Convention, for example. That was taken to undercut arguments for demographically-balanced representation, in so far as those arguments were couched in terms of ideas and interests.[14] But it

[8] 'Just as a nobleman cannot represent a plebeian and the latter cannot represent a nobleman, so a man, no matter how honest he may be, cannot represent a woman', asserted a group of Frenchwomen petitioning for a place in the Estates General in 1789; quoted in Phillips, *Politics of Presence*, p. 52.

[9] It was, they said, 'the worst representative assembly ever created, in that it contains absolutely no members of the manual working class; one of the great class of shopkeepers, clerks and teachers; none of the half of all the citizens who are of the female sex' (quoted in Pitkin, *Concept of Representation*, p. 61).

[10] And disastrously so, according to Jeane Kirkpatrick, 'Representation in the American National Conventions: The Case of 1972', *British Journal of Political Science*, 5 (1975), 265–322. For a more even-handed account, see Austin Ranney, *Curing the Mischiefs of Faction* (Berkeley: University of California Press, 1975).

[11] The 1789 petition from the women of revolutionary France goes on to assert that, 'between the representatives and the represented there must be an absolute identity of interests', which is lacking where one social group is representing another. As one of the first political scientists to make a systematic study of legislative behaviour testily remarks, 'Facts about the men who enact statutes are, presumably, significant only if they bear some relation to legislative behavior – significant only if they affect the content or form of laws, or influence the procedure by which laws are enacted' (Charles S. Hyneman, 'Who Makes Our Laws?' *Political Science Quarterly*, 55 (1940), 556–81, quoted in Pitkin, *Concept of Representation*, p. 89).

[12] Thus, for example, Lani Guinier says, 'Blacks cannot enjoy equal dignity and political status until black representatives join the council of government' (Lani Guinier, 'Keeping the Faith: Black Voters in the Post-Reagan Era', *Harvard Civil Rights–Civil Liberties Law Review*, 24 (1989), 393–435 at p. 421). See, similarly, Jane Mansbridge, 'Should Blacks Represent Blacks and Women Represent Women? A Contingent "Yes" ', *Journal of Politics*, 61 (1999), 628–57 at pp. 648–52.

[13] Giving rise to the model of 'introspective representation' discussed in Jane Mansbridge, 'Rethinking Representation', *American Political Science Review*, 97 (2003), 515–28. The existence of a rough-and-ready correlation between these two represents common ground in the debate between A. Phillips Griffiths and Richard Wollheim over 'How Can One Person Represent Another?' Wollheim writes, 'If our concern is that a country's assembly should be the forum for every opinion that the country contains, then it is natural and reasonable to suggest that the assembly should be composed of descriptive representatives drawn from every opinion-holding group', where he takes every descriptively different group to hold a distinctive opinion as well (*Proceedings of the Aristotelian Society, Supplementary Volume*, 34 (1960), 186–224 at p. 210). This is also one way of construing what John Adams meant when saying that the legislature 'should be an exact portrait … of the people at large, as it should feel, reason and act like them'.

[14] That is Kirkpatrick's claim.

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leaves untouched (if anything, gives freer rein to)[15] justifications couched in terms of symbolism, identities and images.

I assume that 'no systematic difference of opinion' constitutes a rare and special case, however. Certainly as between men and women, that is now a thing of the past. An appreciable 'gender gap' has now opened up in political opinions on a wide range of topics, across a wide range of countries. And the same is true in trumps of opinions of different racial, ethnic, religious etc. groups on many important political issues. Here, therefore, I am going to concentrate on cases, which I take to be both more common and also more pressing, where there are systematic differences in ideas and interests among different groups in society.

'Ideas' may be too cognitive a way of putting it, and 'interests' may be too crass. It might be better to talk in terms of 'perspectives' or 'standpoints' or 'experiences' or whatever.[16] Phrase it as you will, the point is just that in the cases upon which I focus: (1) each different group brings something distinctive to the deliberation; and (2) that can be articulated or otherwise evoked more effectively by members of the group than by anyone else.

CIRCUMSTANCES OF MODERATE DIVERSITY, AND BEYOND

The primary aim of this article is to explore a distinction between representing the *fact* of diversity and representing the *particulars* of diversity in a democratic polity.

The politics of presence focuses primarily on the latter. The reason it is important to have individuals from different groups in society personally present in a representative assembly is so that they can 'speak for themselves'. Only in that way can their distinctive perspective be adequately represented in the assembly's deliberations.[17]

That strategy could only possibly work, however, under certain very special conditions.[18] With due apologies to Hume and Rawls, I dub these, collectively, 'circumstances of moderate diversity'. Diversity must be no more than moderate in three particular respects:

[15] If demographic balance makes no material (i.e., idea- or interest-based) difference to the deliberations, then there is no reason (in those terms, anyway) *not* to allow full symbolic representation of everyone's images and identities in the representative assembly; see Robert E. Goodin, 'Convention Quotas and Communal Representation', *British Journal of Political Science*, 7 (1977), 255–72.

[16] Phillips, *Politics of Presence*, pp. 52, 176. Phillips is, however, rightly wary of essentialism here. People who 'share' experiences do not have the 'same' experiences. The 'shared experience' of slavery was nonetheless very different for field slaves and house slaves (and, judging from various 'slave narratives' that mushroomed on the eve of the Civil War, very different yet again within each of those groups). Even where experiences are more literally and less metaphorically 'shared', they are still not the same. Two inmates who share the same cell nonetheless have different experiences of prison; two partners who share the same bed have different experiences of marriage.

[17] For 'politics of presence' theorists, the representation of the viewpoints in the actual deliberation is crucial. Other sorts of 'mirror theorists' might focus instead on improving democratic representation purely through ensuring that all groups have been assured a demographically appropriate share of the votes in aggregative, vote-counting mechanisms. But for a 'politics of presence' theorist, 'It is primarily when we ask how to improve deliberation … that we discover the virtue of shared experience, which lies at the core of descriptive [mirror] representation' (Jane Mansbridge, 'Should Blacks Represent Blacks …', p. 629 (see similarly her 'The Many Faces of Representation')).

[18] Another, which I shall not elaborate further here, is that our policies affect ourselves alone. Often we are doing things that affect others far away in time or space: it is logically impossible for future people to be made physically present here and now; and it is often practically difficult for a representative sample of all the different foreign peoples affected by our policies to be made physically present in our representative assemblies.

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—First, there must be relatively *few distinct groups* requiring representation in this way. Otherwise – in a really diverse society – there may be too many different groups for them all to be represented by a physical presence in the assembly chamber.
—Secondly, each of those groups must be *internally relatively homogeneous*. Otherwise – if there is great diversity within groups – too many members of each group would be required to sit in the assembly in order to represent that within-group variation.
—Thirdly, the dimensions of difference must be *relatively uncomplicated*, in the sense of not cutting across each other in too many diverse ways. If they do, then the number of distinct constituencies needed to mirror all the various combinations mushrooms exponentially, as I shall show.

In what follows, I take up each of those issues in turn.

In circumstances where diversity is more than merely moderate, the ideals of democratic representation and of deliberation come into tension with one another. In so far as the claims of the politics of presence are right, certain sorts of people can only truly be represented by people 'like them' in the relevant respects. But in circumstances of immoderate diversity, that requires the physical presence of too many people for the representative assembly to remain a genuinely deliberative one.

The problem is not just one of physical space in the legislative chamber in which all this diversity is to be made physically present. We can always build a bigger House. The point is instead that, beyond some point, it ceases to be a *deliberative* assembly in any meaningful sense at all.

Crass though they may seem, problems of 'size' have long been recognized as crucial in other ways in debates about democracy. Problems of 'size' are what drive us from direct to representative democracy in the first place. So said the American Founders.[19] So said the French revolutionaries.[20] And so say most (if certainly not all)[21] contemporary advocates of representative democracy.

Just as problems of size make representation necessary, so too might problems of size make it impossible for the deliberative assembly to contain a physical presence of all groups deserving of representation in that way. That is a challenge that existing theories of a politics of presence are often at risk of failing. That is the challenge which my alternative approach hopes to help them meet.

I desist from trying to specify too precisely what the upper limit might be on the size of a workable legislative assembly. But clearly there are limits, if the legislature is to serve as the sort of deliberative assembly that advocates of the politics of presence envisage. Their aim is not merely to increase the number of votes of oppressed groups within the legislature. Advocates of the politics of presence would not be content with turning the legislative assembly into a mini-referendum, where everyone had the right number of votes but none interacted with any other beyond simply the casting of votes. Instead, they want

[19] 'Representation is made necessary only because it is impossible for people to act collectively', says one; 'In a community consisting of large numbers, inhabiting an extensive country, it is not possible that the whole should assemble', said another. Both are quoted in Pitkin, *Concept of Representation*, p. 87. And the argument between the Federalists and Anti-Federalists was over the appropriate size and scale of government.

[20] '[W]hen Mirabeau compared a legislature to a map of the nation he added that representation is necessary wherever "a nation is too numerous to meet in a single assembly" ' (Pitkin, *Concept of Representation*, p. 87).

[21] Cf. George Kateb, 'The Moral Distinctiveness of Representative Democracy', *Ethics*, 91 (1981), 357–74; and William H. Riker, *Liberalism against Populism* (San Francisco: W. Freeman, 1983).

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representatives of each distinct group to explain or somehow manifest their own distinct perspective to one another.

If that is the aim, however, then there are strict limits as to how many members the assembly may have: a few hundred, rather than many thousands. As Dahl pointed out long ago, 'if an association were to make one decision a day, allow ten hours a day for discussion, and permit each member just ten minutes – rather extreme assumptions … – then the association could not have more than sixty members'.[22] Even if we think in terms of representatives' 'manifesting' their distinct perspectives to one another in non-verbal ways (through their distinctive dress, for example),[23] the assembly needs to be small enough for everyone to be able to see one another.

Too Many Groups

The first problem – the problem of too many groups – might in principle seem easily resolvable within the terms of Phillips's proposal. Whether it is resolvable in practice remains an open empirical question.

The representation that a politics of presence requires, Phillips sensibly says, is not of every conceivable group: 'pensioners, beekeepers and people with blue eyes and red hair'.[24] Plainly, not every conceivable group needs to be represented by physical presence in the legislative chamber. That is a pressing need only for those groups with a continuing history of being oppressed, excluded and discriminated against.[25]

It is an open empirical question as to which, and how many, groups are (or conceive themselves as being) oppressed, excluded and discriminated against in these ways. 'New social movements' quite generally tend to organize themselves around some such premise. 'This', Phillips says, 'has generated a more identity-based politics which stress[es] the self-organization of those most directly oppressed'. Among the dimensions of difference Phillips herself mentions as relevant in this way, at one point or another in her book, are: race; gender; ethnicity; sexual orientation; disability; language; Aboriginality; immigrant status; national origin.[26] Thus, there might in principle be quite a few different groups which need to be accommodated through a physical presence in the legislative chamber.

Much depends on whose standard of 'discrimination' is applied. One way of defining 'discrimination' is in terms of the self-conscious intentions of the discriminators. In that case, perhaps the number of categories ('descriptions') under which people are explicitly discriminated against are strictly limited. Fine-grained though the discriminata of caste or status societies may be, even the most bigoted societies rarely manage to keep more than

[22] Robert A. Dahl, *After the Revolution?* (New Haven, Conn.; Yale University Press, 1970), pp. 67–8. The internet does not help, either: just change 'ten minutes listening to each person's speech' to 'ten minutes reading each person's posting', and Dahl's result remains. See generally Robert E. Goodin, *Reflective Democracy* (Oxford: Oxford University Press, 2003), chap. 9.

[23] As is done by the Sami in Scandinavian political meetings: I am grateful to Michele Micheletti for this example.

[24] Phillips, *Politics of Presence*, p. 46.

[25] Phillips, *Politics of Presence*, pp. 46, 171, building explicitly on Young, *Justice and the Politics of Difference*. As Phillips explains, 'The underlying preoccupation is not with pictorial adequacy – does the legislature match up to the people? – but with those particularly urgent instances of political exclusion which a "fairer" system of representation seeks to resolve' (p. 47). Of course, it is important for majority groups (and indeed the oppressors) to be represented in the assembly as well; but we can safely assume they will be anyway, and focus our efforts on ensuring inclusion for oppressed and discriminated groups that might otherwise be excluded.

[26] Phillips, *Politics of Presence*, pp. 8–9; 46, chap. 5.

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half a dozen basic categories constantly in play at any one time.[27] And if it is the intentions of the discriminators – the 'descriptions under which they discriminate against others' – that determine the rights of discriminated-against groups to a physical presence in the legislature, then the entitlement of those groups to separate seats in the legislative assembly is correspondingly limited.

That is not the only plausible way to cash out the key term 'discrimination' in the theory, however. Arguably what we should privilege here are not the descriptions in terms of which discriminators discriminate, but rather the self-descriptions which are internalized by the discriminated-against themselves. The contrast might best be illustrated by reference to the Indian Constitution's special protections for 'Scheduled Castes'. What those castes generically have in common is their 'untouchability'. That, presumably, is the description under which oppressors discriminate against, oppress and exclude members of those classes. But from the point of view of the self-conceptions of members of the Scheduled Classes themselves, presumably, there is a world of difference among the vast multitude of castes, all of which are categorized generically as 'untouchable' and are Scheduled in consequence. And that is presumably all the more true among the various Scheduled Tribes (as distinct from Castes) that the Indian Constitution entitles to the same special protections.[28]

Anne Phillips is duly attentive to the risk that people might not think themselves well represented by some member of a group which the majority community, but not they themselves, see as being in the 'same' generic category. She sees clearly that having a reserved 'ethnic minority' seat at the table, when the minority in view is supposed to embrace Indians as well as Pakistanis as well as West Indians, is wholly unsatisfactory from the point of view of the represented.[29] She seems to regard that as wholly unsatisfactory not only from their point of view, but also her own. The relevant groups she wants to see physically present are, in that case, absent.

The trouble with this move on her part is that we no longer have the reassurance of any strict limit on the number of groups who are supposed to be entitled to a physical presence in the legislative chamber. Moving away from oppressors' intentions and towards the oppressed's self-conceptions, we multiply the credible claimants – perhaps well beyond the bounds of feasible accommodation within any realistically deliberative assembly.

Too Much Heterogeneity within Groups

The second problem – heterogeneity within groups – exacerbates those problems.

Contemporary advocates of the politics of presence carefully eschew 'essentialism'. In so doing, they disassociate themselves from any thought that there is an essence of, for example, 'woman', such that any *one* woman can represent *all* women. And likewise (one sometimes gets the feeling that they would like to say 'all the more so') for all other groups that they discuss. Thus, for example, Phillips writes,

[27] As suggested by the discussion of 'the rank order of discrimination' in the American South in Gunnar Myrdal's *American Dilemma: The Negro Problem and Modern Democracy* (New York: Harper & Row, 1944), chap. 3, sec. 4, pp. 60–7. Similarly, despite all the fine distinctions among castes and tribes in India, discrimination and the constitutional remedies for it are couched in relatively simple terms of 'untouchability' of certain sets of castes and 'backwardness' of certain sets of tribes; see Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* (Delhi: Oxford University Press, 1984), chaps 5, 9.

[28] Galanter, *Competing Equalities*.

[29] Phillips, *Politics of Presence*, p. 169.

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[I]nterests may be gendered without any implication that all women share the same set of interests; racial and ethnic minorities may have a strong sense of themselves as a distinct social group, but this can coincide with an equally strong sense of division over policy goals; territorial minorities may see their own interests and concerns as ignored by the wider community, but still have to grapple with their internal diversity … [T]he dominant discourse in contemporary feminism stresses differences *between* women almost as strenuously as differences between women and men.[30]

Lani Guinier is likewise anxious to emphasize that 'racial groups are not monolithic, nor are they necessarily cohesive': they are rent by divisions of gender, age, class and so on.[31] Likewise gays and lesbians.[32]

The internal heterogeneity of those groups makes it impossible for *one single* woman to represent the diverse perspectives of many different women. But that does not mean that it is impossible *tout court* to represent those perspectives through a politics of presence.[33] What that means is that, if we want to have each woman represented by women with an identity and self-conception similar to her own, we will need a larger number of representative women to mirror statistically the diverse identities found among women. One woman cannot represent the heterogeneity of all women. But, statistically, a thousand women can constitute a good representative sample of all women (as good as a Gallup poll is of the electorate at large, anyway).[34] And so on for all the other groups in question.

The problem, once again, lies merely in the maximum feasible size of a genuinely deliberative legislative chamber. Suppose there are several groups that ought be represented by a physical presence in the chamber. Suppose that each of those groups is moderately diverse, and that multiple spokespersons are thus required from each of them to represent that intra-group diversity. Even if (*contra* my concerns above) the number of different groups to be represented is tolerably small, the number of representatives required from each group for them to constitute a representative sample of a diverse group can swell well beyond the numbers that can be present in a single deliberative chamber.

[30] Phillips, *Politics of Presence*, pp. 145, 55–6; this is a theme to which she returns time and again (e.g., pp. 53–4, 68–9, 83, 104–6, 146, 168, 188). See similarly Mansbridge, 'Should Blacks Represent Blacks', pp. 637–9.

[31] Lani Guinier, 'Groups, Representation and Race-Conscious Districting: A Case of the Emperor's Clothes', *Texas Law Review*, 71 (1993), 1589–642 at p. 1622 (quoted in Phillips, *Politics of Presence*, p. 104). Appiah concurs, adding, 'Earlier in American history the label "African" was applied to many of those who would later be thought of as Negroes, by people who may have been under the impression that Africans had more in common culturally, socially, intellectually and religiously than they actually did' (K. Anthony Appiah, 'Race, Culture, Identity: Misunderstood Connections', in Appiah and Amy Gutmann, *Color Conscious: The Political Morality of Race* (Princeton, N.J.: Princeton University Press, 1996), pp. 30–105 at p. 76).

[32] Janet E. Halley, 'Gay Rights and Identity Imitation: Issues in the Ethics of Representation', in David Kairys, ed., *The Politics of Law: A Progressive Critique* (New York: Basic Books, 1998).

[33] Nor does it therefore automatically imply, as Phillips seems to suppose, that we have to bolt some mechanisms of 'accountability to the group' on to mirror theories of representation. In her closing pages, Phillips ponders the question of on what basis 'representatives can claim to represent "their" people or group', and offers this conclusion: 'Once we give up on the guarantees that would come with notions of an essential identity, the only sure basis for such claims would lie in alternative mechanisms of accountability that depend on the self-organization of the relevant group … Changing the composition of elected assemblies only improves the representation of excluded groups in what we might call a statistical sense; failing the development of more sustained conditions for consultation and discussion, it is an enabling condition, and still rather a shot in the dark. It is a better guarantee than we enjoy at present, which is enough to make it a political priority. But the real force of political presence lies in this further development'; Phillips, *Politics of Presence*, p. 188.

[34] Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2000), pp. 147–8, likewise recommends women be represented by a 'committee' of women.

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One solution might be to let each group deliberate in a chamber all its own – just as the First, Second and Third Estates met separately under the *ancien régime* in pre-revolutionary France – and for the decisions of each separately-deliberating group to be carried forward by a delegate to the overarching decision-making body. Associational democrats from G. D. H. Cole onward have long urged us to reconceptualize democracy in mass society along some such lines, with many different groups organized along different lines making representational claims of many different sorts.[35]

That solution, however, is unavailable to advocates of a politics of presence. The whole point of the politics of presence is for representatives of all the distinct oppressed groups to be present in the *same* place, speaking and being spoken to in turn by one another. For the same reason that multiple representatives of each internally heterogeneous group are required to be physically present somewhere in the representative machinery, those multiple representatives of each group need to be physically present in the same chamber as representatives of all other groups. Only through multiple physical presences in the same deliberative assembly can those heterogeneous groups represent themselves fully to one another.[36] The ghettoization of deliberation of each group in its own chamber, with only a handful of representatives carrying that chamber's views forward to the general assembly of all, would be clearly contrary to this requirement of the politics of presence.

Too Many Cross-Cutting Groups

The third problem – cross-cutting memberships – is more problematic yet again.

The starting point, once again, is the question of 'who can speak for or on behalf of another'. As Phillips says,

> [O]nce men were dislodged from their role of speaking for women, it seemed obvious enough that white women must also be dislodged from their role of speaking for black women, heterosexual women for lesbians, and middle-class women for those in the working class. The search for authenticity … then makes it difficult for anyone to represent an experience not identical to her own and, taken to this extreme, renders dialogue virtually impossible.

Phillips reports that 'most feminists have resisted this deadening conclusion'; and she goes on to add that 'recent contributions have reframed the question of authenticity very much in terms of achieving equality of presence'.[37] My question is simply what 'equal presence' might mean, and how it might be achieved, in a situation of multiple cross-cutting identities and memberships.

The basic premise of the politics of presence is that no one can speak for members of another group. Members of each distinct group must be physically present to speak for themselves. Distinct groups are defined, for these purposes, in terms of identities and self-conceptions which are rooted in an ongoing practice of discrimination and oppression.

My point is just this. Any given person might be a member of, and construct his or her

[35] G. D. H. Cole, *Essays in Social Theory* (London: Macmillan, 1950), chaps 6–7. See most recently Michael Saward, 'Enacting Democracy', *Political Studies*, 51 (2003), 1–19.

[36] While it is essential that all those multiple members of heterogeneous groups be physically present in the same deliberative assembly, advocates of the politics of presence are not necessarily committed to the principle (attributed to them by Wollheim, 'How Can One Person Represent Another?' pp. 215–18) that each of those multiple members have one vote in the assembly. The demands of physical presence are perfectly consistent with schemes of weighted voting to ensure that each group gets only its due share of power within the assembly.

[37] Phillips, *Politics of Presence*, p. 9.

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identity in terms of, multiple groups of precisely that sort.[38] Furthermore, he or she might have suffered discrimination by virtue of that conjunction of identities – as a lesbian Latina, for example, rather than (or in addition) to the discrimination she suffered as a lesbian on the one hand and as a Latina on the other.[39] Under those circumstances, in order for the politics of presence test to be met, we should require physical presence in the assembly not just of lesbians and of Latinas, but also of lesbians who are also Latinas. And so on for all other conjunctions of group memberships which give rise to identities and discriminations in the conjunct, over and above the identities and discriminations involved in their component parts.

The problem to which this gives rise is, once again, a problem of the size of the assembly potentially required to represent all conjunct groups of this sort.

Here is one way of coming to appreciate the problem. The most natural mechanism for ensuring that the representative assembly is a mirror-image of the larger society is by creating distinct electoral registers for each distinct group, as with the Maori in present-day New Zealand or with Oxford and Cambridge graduates in the British House of Commons up to 1948. And that is easy enough, where there is just one dimension of difference (Maori/Pakeha, graduate/non-graduate) to represent.

Things get more complicated, however, where there are multiple cross-cutting dimensions that have to be represented by a physical presence in the assembly. Where there are two cross-cutting dimensions (ethnicity and gender, say), we will need four separate electoral registers to represent all the categories (male Maori, female Maori, male Pakeha, female Pakeha). Where there are three cross-cutting dimensions (ethnicity, gender and class), we need eight (male Maori, rich and poor; female Maori, rich and poor; male Pakeha, rich and poor; female Pakeha, rich and poor). In general, where there are x different binary dimensions along which people differ, we will need 2^x different electoral registers to accommodate them.

Of course, if the differences cannot be represented as simple binary contrasts the number increases even more rapidly. But stick to that simplest binary case for the moment. Even in that simplest case, it would take only nine cross-cutting dimensions of difference to generate 512 distinct electoral registers – which is about the size of most national representative assemblies. If one or more dimensions are more than binary (as ethnicity, religion, national origin or even race is likely to be),[40] or if some groups are larger than others and deserve more than a single representative in the chamber, or if some of those groups are internally heterogeneous in ways that require multiple representatives, the requirements of physical presence then burst the bounds of any workable deliberative chamber.

[38] The point is actually Simmel's, who analysed individuality in terms of a person's unique location in a network of overlapping group affiliations of this sort. See Georg Simmel, 'The Web of Group Affiliations', in Simmel, *Conflict and the Web of Group Affiliations*, trans. Kurt H. Wolff and Reinhard Bendix (Glencoe, Ill.: The Free Press, 1955), pp. 125–95.

[39] Halley, 'Gay Rights and Identity Imitation'; Edwina Barvosa-Carter, 'Mestiza Autonomy as Relational Autonomy: Ambivalence, Integrity, and the Social Character of Free Will', *Journal of Political Philosophy*, forthcoming.

[40] Suppose that each of these four dimensions point to four basic categories of people requiring physical presence in the assembly, each of which cuts across each other and across the basic binary distinctions of gender and sexual orientation. Then we would need $4 \times 4 \times 4 \times 4 \times 2 \times 2 = 1{,}024$ separate electoral registers, with at least one seat each in the chamber.

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REPRESENTING INSTEAD THE SHEER FACT OF DIVERSITY

The upshot of exceeding the bounds of 'moderate diversity' in any (still more, all) of those dimensions is simply this: it will be physically impossible for each group deserving a physical presence in the deliberative assembly to have one, and for that assembly to remain remotely 'deliberative'.[41]

One natural response at this point might be to abandon mirror representation and the politics of presence altogether, or to confine it to a narrow range of cases where the 'circumstances of moderate diversity' obtain. Another might be to abandon hopes for a politics of full presence and accept instead that the most you can aspire to is *partial* presence, mirroring only some of the 'most important' differences within the community.

The latter approach certainly describes the politics of representation as we know it. Every political coalition, party or movement is internally disparate in ever so many ways. Part and parcel of ordinary politics is overlooking many things that divide us in order more effectively to pursue certain other things on which we are as one. Some differences get ignored in order that other 'more important' dimensions of difference can be represented.

Normatively, however, there is a world of difference between what is appropriate political practice in a world of full presence and in a world of partial presence. Political horse-trading of a sort that might be a satisfactory way of settling competing claims if every distinct group were properly represented in the chamber will be unsatisfactory precisely to the extent that some are left out of the chamber. Those with no votes to trade have no power in this bargaining game.

Nonetheless, some presence is better than none, even if 'full presence' for all relevantly different groups is impossible. To argue why, we need to conceptualize differently the exact role that 'presence' is supposed to play in circumstances where more-than-moderate diversity means that only 'partial presence' will ever be possible.

When it proves to be impossible to represent the *particulars* of diversity within the assembly, it nonetheless remains possible – and in that case, particularly desirable – to represent within the representative assembly the *sheer fact* of diversity.[42] By 'the sheer fact of diversity' I mean the fact that our society is diverse in a great many respects that genuinely matter in framing public policy.

For that sheer fact of diversity to be represented, some substantial diversity has to be made manifest in the assembly. But if the aim is to represent the sheer fact of diversity, rather than the exact parameters of that diversity, a fully representative sample is not strictly necessary. A suitably diverse representative body can instantiate the fact of diversity, reminding us what a diverse society we are, without instantiating all the particulars of that diversity.

The point of reminding legislators of the sheer fact of diversity, in turn, is merely to remind them that whatever laws they make will apply to a wide range of people who differ in a multitude of ways, the details of which are partially opaque to them when legislating. With that thought firmly in mind, the representatives assembled ought to incline more

[41] Note that 'serial deliberation', rotating different groups in the legislative assembly, would fail in the same way as the Estates model discussed above to satisfy the 'politics of presence' desideratum of having representatives of all distinct groups deliberating together with one another: that requires that they be in the same place (the same assembly) at the same time (rather than some serving in the assembly earlier and others later).

[42] In Phillips' *Politics of Presence* dichotomy, this amounts to representing 'ideas and interests' – but in a very different way than before.

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towards 'minimally presumptuous' policy making.[43] This, as I shall show, is importantly different from what would follow if legislators could presume that the particularities of diversity were fully physically present in the chamber.

The Difference that Presence Might Make

In purely power-political terms, getting representatives of minority communities into the legislative chamber might not make much difference. Minorities who have historically been marginalized outside of parliament can easily enough be marginalized inside parliament, in much the same way, for much the same reasons, with much the same effect.

In discussing what material effect she envisages the physical presence of previously excluded groups making to the deliberations of a political assembly, Phillips points to its consciousness-raising function, both for members of the group themselves and especially for other members of the assembly.

> The real importance of political presence lies in the way it is thought to transform the political agenda, and it is this that underlies the greater priority now accorded to gender and ethnicity and race … We … need to be represented in ways that will get new issues on to the political agenda, and will challenge the false consensus that keeps so many out. If all the options were already in play, or all needs and preferences already clearly defined, then the priority would more properly lie with getting more vigorous advocates. This certainly plays its part in the argument for more women in politics, and it plays an even greater part in the argument for minority representation in the USA; but all those pressing [for] the inclusion of the previously excluded also stress the hegemonic power of dominant perspectives and the way these have blocked thinking on what else could be done.[44]

Literally expanding the legislative agenda – literally getting more motions on to the table for a vote – is, I take it, much the smaller of these contributions.[45] Far the greater contribution, presumably, lies in expanding perceptions of legislators (and of previously-excluded groups themselves) as to what 'personal troubles' ought properly be considered 'public problems', appropriate for concerted social action through authoritative channels with powers of social sanctions.[46] This, in turn, is mostly a matter of 'expanding the perspectives' of representatives of the historically dominant community, so they can 'see things' from the point of view of those who had previously been excluded.

This much is common ground among political philosophers from Mill to Rawls. The latter remarks, in *A Theory of Justice*, upon how 'in everyday life the exchange of opinion with others checks our partiality and widens our perspective; we are made to see things

[43] 'Basic income' is preferable to categorical social assistance on those grounds, for example: Robert E. Goodin, 'Toward a Minimally Presumptuous Social Welfare Policy', in Philippe Van Parijs, ed., *Arguing for Basic Income* (London: Verso, 1992), pp. 195–214; and 'Crumbling Pillars: Social Security Futures', *Political Quarterly*, 71 (2000), 144–50.

[44] Phillips, *Politics of Presence*, pp. 176, 158. In this she is explicitly borrowing and elaborating the arguments of Cass R. Sunstein, 'Preferences and Politics', *Philosophy & Public Affairs*, 20 (1991), 3–34 at pp. 33–4 (quoted in Phillips, *Politics of Preference* at pp. 152–3). In 'Beyond the Republican Revival', *Yale Law Journal*, 97 (1988), 1539–90 at p. 1588, n. 262, Cass Sunstein himself traces the observation, in turn, to John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), pp. 358–9.

[45] Just as there are limits to the number of people who can genuinely deliberate together, so too might there be limits on the number of things they can genuinely deliberate together about, however.

[46] The phrase is that of C. Wright Mills, *The Sociological Imagination* (New York: Oxford University Press, 1959). The point is emphasized by Mansbridge, 'Should Blacks Represent Blacks', pp. 643–8.

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from the standpoint of others and the limits of our vision are brought home to us'. Those lessons, Rawls supposes, carry over to legislative deliberations as well.[47]

J. S. Mill was even firmer on this point. In his *Considerations on Representative Government*, Mill emphasizes how, 'in the absence of its natural defenders, the interest of the excluded is always in danger of being overlooked' – or, 'when looked at, … seen with very different eyes from those of the persons whom it directly concerns'. The prime example in his own day was that of the working classes, then effectively 'excluded from all direct participation in the government':

> I do not believe that the classes who do participate in [government] have in general any intention of sacrificing the working classes to themselves … [I]n the present day their ordinary disposition is the very opposite … Yet does Parliament, or almost any of the members composing it, ever for an instant look at a question with the eyes of a working man? I do not say that the working men's view of these matters is in general nearer to the truth than the other: but it is sometimes quite as near; and in any case it ought to be respectfully listened to, instead of being, as it is [now], not merely turned away from but ignored. On the question of strikes, for instance, it is doubtful if there is so much as one among the leading members of either House, who is not firmly convinced that the reason of the matter is unqualifiedly on the side of the masters, and that the men's view of it is simply absurd … [I]n how different, and how infinitely less superficial a manner the point would have to be argued, if the classes who strike were able to make themselves heard in Parliament.[48]

Partial Presence and Legislative Reticence

Physical presence of excluded others is, for Phillips like Mill before her, absolutely crucial in forcing that expansion of perspectives.

> With the best will in the world (and all too often we cannot rely on this), people are not good at imagining themselves in somebody else's shoes. We may get better at such acts of imaginative transcendence when our prejudices have been more forcefully exposed, but this happens only when the 'other' has been well represented.[49]

Where direct discursive engagement with others is possible, that is surely superior to mere imaginative engagement with mental reconstructions of them.[50] Where that is not possible (for reasons of time, distance or, here, sheer limits to the size of genuinely

[47] Rawls, *A Theory of Justice*, pp. 358–9.

[48] John Stuart Mill, *Considerations on Representative Government*, in Richard Wollheim, ed., *John Stuart Mill, Three Essays* (Oxford: Clarendon Press, 1975; originally published 1861), pp. 142–423 at chap. 3, p. 188.

[49] Phillips, *Politics of Presence*, p. 53. See further Iris Marion Young, 'Communication and the Other: Beyond Deliberative Democracy', in Young, *Intersecting Voices* (Princeton, N.J.: Princeton University Press, 1997), pp. 60–74. John Stuart Mill makes a similar point, in arguing for expansion of the franchise: '[E]ven in a much more improved state than the human mind has ever yet reached, it is not in nature that those … [without a voice] should meet with as fair play as those who have a voice. Rulers and ruling classes are under a necessity of considering the interests and wishes of those who have the suffrage; but of those who are excluded, it is in their option whether they will do so or not; and however honestly disposed, they are in general too fully occupied with things which they *must* attend to, to have much room in their thoughts for anything which they can with impunity disregard' (*Considerations on Representative Government*, chap. 7, p. 277).

[50] As Montaigne says, 'Studying books has a languid feeble motion, whereas conversation provides teaching and exercise all at once. If I am sparring with a strong and solid opponent he will attack me on the flanks, stick his lance in me right and left; his ideas send mine soaring. Rivalry, competitiveness and glory will drive me and raise me above my own level' (Michel de Montaigne, 'On the Art of Conversation', in M. A. Screech, trans. and ed., *The Essays of Michel de Montaigne* (Harmondsworth, Mddx.: Allen Lane/Penguin, 1991; originally published 1580), book 3, essay 8, pp. 1044–69 at p. 1045).

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deliberative groups), imaginatively projecting oneself into the place of others – however imperfect it inevitably is – is nonetheless better than not. 'Democratic deliberation within' can be a valuable adjunct when direct deliberative engagement is simply infeasible.[51]

Maybe Phillips is right, however, that we are not particularly good at imagining fully what it is like to be in radically different people's positions.[52] If so, that means that we will not be able to make very well-informed choices as to what would be good from their point of view.

Still and all, simply reflecting upon the fact and extent of difference across the community might make legislators more cautious and circumspect in their policy making. That might help legislators avoid imposing 'one-size-fits-all' policies, oblivious to the extent of differences afoot in their community.

Even if they cannot anticipate exactly what variations in the application of the policy might be required, legislators sensitive to the sheer fact of diversity within their society will appreciate that variations of some sort will be necessary. That will lead them to provide mechanisms within their legislation for making such variations; to write 'loose laws', setting out goals and principles without picking out any narrow set of ways of meeting them; to leave room for flexibility in interpretation and application of the rules, and considerable latitude for different groups to meet the basic requirements of the law each in their own ways.[53]

Legislators can do all of this without knowing anything much about the particular facts of diversity among the people for whom they are legislating. All that is required is for them to know the sheer fact of diversity: that the people subject to their legislation are diverse, *and* that they are diverse in ways not fully knowable from within the legislature.

Contrast with the Pretence of Full Presence

This is very different from the way the role of representatives is conceived, and the way legislators behave in consequence, in a chamber purporting to represent the full particularities of societal diversity.

Where representatives are persuaded that their assembly fully captures the particulars of that diversity, representatives could – and should – feel morally at liberty simply to cut deals among themselves.[54] They could do so, morally confident in the knowledge that all interested parties were adequately represented by an appropriately-sized physical presence at the bargaining table. If every interested party truly were represented at the table, with

[51] Robert E. Goodin, 'Democratic Deliberation Within', *Philosophy & Public Affairs*, 29 (2000), 79–107; and *Reflective Democracy*.

[52] Legislative dynamics, driven by closed mindsets instilled by party-based organization of the chamber, might make that particularly hard for legislators to do: mainstreaming the oppressed and making their just treatment more the responsibility of responsive administrators, instead, may therefore be particularly to be commended. I am grateful to Judith Squires for this thought.

[53] Robert E. Goodin, *Political Theory and Public Policy* (Chicago: University of Chicago Press, 1982), chap. 4.

[54] Cass Sunstein raises this issue clearly: 'the most significant problems with proportional representation are that it threatens to ratify, perpetuate and encourage an understanding of the political process as a self-interested struggle among "interests" for scarce social resources, that it may discourage political actors from assuming and understanding the perspectives of others … [I]n some incarnations, proportional representation tends to accept the basic premises of pluralist politics; it simply reallocates the distribution of power that underlies interest-group (even racial) struggle. The reallocation of power is in some settings highly desirable, but the improvement in politics is only partial' ('Beyond the Republican Revival', p. 1587).

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power proportional to their legitimate stake in the issue, there would be no reason *not* to proceed with political horse-trading in that ordinary way.[55]

Lacking that confidence, representatives should (and hopefully would) instead be more genuinely solicitous of the views of others – those who are absent as well as those who are physically present. Representatives should (and hopefully would) be genuinely more sensitive to the demands of diversity, rather than merely mechanically sensitive to the demands of particular others in the legislative horse-trading.

The presence of diverse groups within the assembly is a powerful aid to this way of thinking. It helps 'ensure that processes of deliberation are not distorted by the mistaken appearance of a common set of interests on the part of all concerned'. In that way, diversity among the groups assembled helps to 'increase the likelihood that political outcomes will incorporate some understanding of the perspective of all those affected'. But on this alternative understanding of how a 'politics of partial presence' might work, that is accomplished 'not primarily [by] … allow[ing] each group to have its "piece of the action" ', after the standard pluralist horse-trading fashion.[56] Instead, it is accomplished by letting such diversity as is present serve as a reminder of the even-wider-diversity that is absent.

GETTING A GRIP, MOTIVATIONALLY

A politics of presence designed to represent the 'sheer fact of diversity' would be designed to remind such representatives as are present in the assembly of the yet greater diversity that remains unrepresented, absent and opaque. That, in turn, should hopefully have two effects on representatives who internalize that lesson. First, it should make them more reluctant merely to cut a deal among those who happen to be present, cutting out of those who happen not to be. Secondly, it should make representatives reticent, writing their laws in ways that are open to diversity along dimensions they have no serious expectation of being able to anticipate in advance.

In brute terms of power politics, of course, there is little reason for representatives to do either. Those present can simply carve up the spoils for themselves, leaving nothing for those who lack any presence or hence power in the assembly. All that might restrain *realpolitik* actors from doing so is the thought that they might be setting a precedent that could be used against them, sometime when they happen to be the ones absent from the assembly.

Even just minimally conscientious legislators, however, will see much stronger reasons than that for being motivated to internalize the 'sheer fact of diversity' and to act upon its implications. Making laws that are suitable to the community is part and parcel of the legislator's job description; it is tied to that role by a 'logic of appropriateness'.[57]

Motivationally, it is a tolerably small leap from accepting a role to internalizing the norms that come with that role. 'Why should I be moral?' may be a hard question to answer

[55] Which is to say, horse trading would in those circumstances be extensionally equivalent – would have the same outcome – as every representative internalizing fully the interests of all, in the way Sunstein ('Beyond the Republican Revival'), among many others, would wish.

[56] Sunstein, 'Beyond the Republican Revival', p. 1588.

[57] James G. March and Johan P. Olsen, *Democratic Governance* (New York: Free Press, 1995), chap. 2. For a discussion of the ways in which American legislators conceptualize their roles in these respects, see Arthur Maas, *Congress and the Common Good* (New York: Basic Books, 1983).

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to a wholly *realpolitik* egoist. 'Why should I do the job I have agreed to do' is a much easier question to answer in terms that might get a grip on the agent concerned.[58]

CONCLUSION

Advocates of 'the politics of presence' rightly point to the ways in which direct engagement with others who are importantly different from ourselves can broaden our own perspectives and lead to a fairer and more just social outcome. They rightly want to broaden the range of social groups (particularly oppressed groups) represented in social decision-making bodies, accordingly.

But Brutus was right. In any large and interestingly diverse community, mirror representation will probably prove impossible. The number of representatives required to represent that diversity would burst the bounds of any properly deliberative assembly.[59] The politics of presence would require the presence of too many people for them all genuinely to be 'present' to one another at all.

The Federalist then would say that we just have to trust that those who are present represent faithfully those who are absent. 'They cannot', advocates of the politics of presence would retort. But in a large and diverse community, The Federalist would reply, we cannot do any better. The politics of full presence is rendered impossible by problems of sheer size and immoderate diversity.

The Federalist is right. In those circumstances, we have to trust some to legislate on behalf of others very unlike themselves. If advocates of the politics of presence are right, however, that amounts to legislating partially in ignorance. The realization of that fact ought to prompt a certain degree of legislative reticence and modesty, and a search for forms of rules appropriate for governing a people who are diverse in ways not fully known or knowable to the makers of the rules.

A politics of presence, partial though it may be, has a role to play in inducing that attitude towards the legislative task. Even if the full particulars of the diversity cannot be represented in a genuinely deliberative assembly, the presence of some substantial diversity within the legislature can serve as an important reminder to legislators of the 'sheer fact of diversity'. That there are appropriate and inappropriate ways to rule a diverse society is a principle that legislators can know and act on, without knowing the full details of the diversity. Reminding legislators of that fact is a further function, more modest but no less useful, that the politics of presence can perform, even in circumstances of more-than-moderate diversity.

[58] Robert E. Goodin, 'Heuristics of *Public* Administration', in Mie Augier and James G. March, eds, *Models of a Man: Essays in Honor of Herbert A. Simon* (Cambridge, Mass.: MIT Press, 2004), pp. 233–50.

[59] Constraints derived from the size of a genuinely deliberative legislative assembly might of course be overcome by shifting some of the representational burden on to the executive. Administrators can invite submissions from all interested parties before making rules. Ideas and interests can be represented in these ways, but the ideal of a politics of presence cannot.

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