

Representation for Women

Should Feminists Support Quotas?

Justifications for gender quotas in legislative bodies must move beyond an evaluation of the consequences of such a policy. It is a mistake to think that gender quotas will essentialise or trap women in their identity as women. Different women have been excluded from parliamentary politics in different ways, and it is necessary to devise political measures for their inclusion which take these differences into account.

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A gender quota in legislative bodies is controversial. It raises troubling doubts about what it means for a collectivity to be 'represented'. It challenges our precritical notions of respect for differences between women. It questions our most fundamental allegiances to groups and forces the issue of who we want to be identified with. As a relatively untried political measure, it arouses a mixture of fear and excitement. Thus, the prospect of a gender quota perturbs the open-minded as well as the avowedly partisan citizen. But, on reflection, gender quotas are not as much of a political conundrum as they are made out to be. There is a growing body of political thought that can lead us to greater clarity about the use of gender quotas. There is even considerable evidence from different parts of the world to suggest that gender quotas might be worth betting on.¹

It will be my concern in this paper to offer a defence of gender quotas in legislative bodies. In order to make a convincing case, I shall, at one level, engage with the substantive issues raised in the debates surrounding the potential political and socio-cultural consequences of the institution of a gender quota in the Indian parliament by a constitutional amendment. At a different level, I shall build an argument for a reframing of the debate in terms of concerns of identity and representation. The surprising effect of my reinterpretation is to provide a strong justification for the use of a gender quota in legislative bodies; incidentally, disproving (in a sense) that philosophy leaves everything as it is. Philosophical reflection can bolster our confidence as we juggle our priorities in undertaking the specific tasks of changing the world to make it a better place for women.

Those who have advocated the cause of affirmative action for the inclusion of Indian women in local as well as central

government for almost a decade now, argue that 'institutionalised inequalities' require 'institutionalised counter measures' [Mazumdar 1997:19]. The fruit of their labour was the 73rd and 74th amendments to the Indian Constitution enacted unanimously by the parliament in 1992. This legislation guaranteed a 33 per cent reservation in the elected representatives to local government when it was 'quietly ratified' in April 1993. According to Vina Mazumdar, this legislation brought about the 'political dynamism' of women voters, leading her to conclude that "It is time for India to try out some new experiments in achieving real democracy..." (ibid:19).

As against the above, it has been argued by some "that reservations are not a matter of principle; that they are at best a limited intervention in a larger repertoire of affirmative action strategies designed in specific contexts..." [Singh 1997:12]. Still others seem opposed to reservations in parliament, on account of a superficially higher order principle. This is expressed as "It is no good getting seats without any work to show for it...If eternal vigilance is the price of liberty, eternal striving is the price we must pay for entering politics" [Dhagambar 1997:22]. In a similar vein, Kishwar (1996) draws cynical conclusions about the likely calibre of women parliamentarians who might unfairly benefit from a quota. Further, fears of a 'growing statism' are expressed to turn feminists away from any simple equation between reservations in the parliament and empowerment of women. It is also contended that, not only will the designed entry of women pervert the course of justice, it may actually create a far more objectionable scenario. "To try and push reforms without necessary social support is mere adventurism, mere symbolism...the damaging impact of ill-thought intervention, even if the intention is noble, is no less

serious than inaction and paralysis" [Singh 1997:13]. It is argued that what ought to be done, instead of instituting gender quotas, is to address the underlying causes of women's exclusion.

There is a common thread that binds both the proponents of quotas and their opponents. It lies in the nature of their political arguments. A bulk of the debate on the question of gender quotas has been conducted in *consequentialist* terms. There are those who point out the benefits that accrue to women when they receive a helping hand, and others who predict gloom and doom if women were to expectantly clutch it.

Without meaning to undermine the significance of the often very astute observations on the Indian political scene, we might want to concentrate on a slightly different set of related concerns. Even though I shall engage in some detail with the consequentialist arguments offered by Madhu Kishwar (1996) in Section I of the paper, I shall set aside predictions of the 'what if' kind in Section II. There, I shall pay closer attention to the concept of the public sphere, and the idea of acting in solidarity with women, presupposed in the debate. In Section III, I shall elaborate my version of an identitarian justification of gender quotas. I shall compare my justification with the support for gender quotas from the argument for 'a politics of presence' developed by Anne Phillips (1995) in Section IV. Hopefully, by the concluding section of the paper, I shall have lent some support to an affirmative answer to the question: Should feminists² support the women's bill³ for an amendment to the Indian Constitution which seeks to put in place institutional measures to guarantee a 33 per cent reservation for women in the Indian parliament and state legislatures?

It is my contention that the issue of gender quotas is better grasped if we

reconceptualise what it means to act politically in the interests of women. I shall use two concepts that I find particularly illuminating in this regard. The first is the idea of a 'heterogeneous public' [Fraser 1992] and the second that of conceptualising gender as 'seriality' [Young 1994; Kruks 1995]. The first helps to accommodate a variety of political action women engage in to fight the constraints on their political life. The second helps to clarify what it means to act in solidarity with women.

In general, gender quotas raise problems that are echoed in feminist debates about the status of women as a group given their multiple/different locations in the polity [Kruks 1995; Young 1994]. Likewise, in the theoretical work on the conception of the political itself and the supervening debate on the relative merits of using the parliament and/or the 'subaltern counterpublics' as arenas of effecting social transformation [Fraser 1992 with due acknowledgement to Spivak], we find some useful conceptual tools. Finally, the increasing use of historiography in feminist political theory [Sparks 1997; Sarvasy 1997] reinforces the necessity of positioning a general problem, such as of gender quotas, in the specific locale in which it arises in particular forms.

My arguments suggest that the question of whether particular women *actually* identify with other women sufficiently to envisage the shared project of greater representation of women in legislative bodies, is a question of their *praxis*. Theory helps us imagine alternative responses to the constraints and confinements we face, but which of those alternatives is, and must be, embraced is an existential matter. My purpose in engaging in theory is to make some accommodations seem easier than they may seem at first. I shall argue that it is possible to defend gender quotas, without becoming an apologist for state protectionism. And it is possible to defend gender quotas without undermining the political potentiality of groups of women being motivated to political action on the distinct bases of caste and/or class solidarity or indeed any other group solidarity.

Consequentialist Objections

I claimed above that those who oppose gender quotas in the Indian context mainly do so on consequentialist grounds. A consideration of the central arguments that

Kishwar (1996) offers would clearly illustrate this tendency. In this section, I shall engage with the substantive issues raised by her arguments with a view to bringing the assumptions she makes to the surface.

Kishwar may be counted as someone who has repeatedly advocated power from the ground up, while taking to task those who wield power. She takes care to note that while the electorate is receptive to the idea of women in power, the leaders may not be. Therefore, she argues, we must not look towards pushing women into the legislature amidst 'gangster' politicians, but "leaders and parties will have to initiate widespread social reform movements within their respective communities" to "realistically prepare ground for women to emerge..." [Kishwar 1996]. This, she considers, is particularly important for 'backward castes'.

Strikingly, it is women politicians of the 'backward castes' that have 'emerged' in the current climate of flux in the Indian political scene. One is tempted to offer a straight instance of falsification of Kishwar's theory, that women are not yet ready and need a preparatory social reform movement to make a proper entry into politics. The instance is Mayawati, who is the 'first among 'low caste' women to become the chief minister of a state. It is begging the question of women's ability to be politicians in their own right to claim, as Kishwar does, that her success is owing to her proximity to the 'backward caste' leader, Kanshi Ram. The diagnosis of nepotism also leads Kishwar to a grim portrayal of what would happen if by some stroke of luck the quota system were to be introduced for the representation of women in politics. She predicts that we would witness the onslaught of the 'biwi' brigade. It is difficult to improve upon the response of Kalpana and Vasanth Kannabiran (1997) to this imagined scenario. There is enough nepotism in Indian politics even without women, they argue, so why should the entry of women be seen as especially harmful? But Kishwar's provocative response is that:

the presence of such proxy figures in parliament...is actually harmful. Political socialisation of such women legislators, required for being an effective member of state assemblies and parliament, cannot take place smoothly when women members remain filially attached and politically dependent on the male party leaders [Kishwar 1996:2873].

It is her unquestioned assertion that "even the most untalented of men do not allow

themselves" to be used as proxies (ibid). Her unstated conclusion has to be that even an intelligent, albeit, dependent woman, makes a worse parliamentarian than the most untalented supposedly independent man. Kishwar is in the company of the honourable Kant who denied active citizenship to women because they 'do not possess civil independence'. In such conditions, women should be 'subject' to the law, he argued, but not participate in making it [Mendus 1987]. Kishwar's argument for denying women the ability to be good legislators is not very different from Kant's argument for refusing suffrage to women. Her unacknowledged assumption that 'independence' is a necessary virtue for an 'active' political career requires further investigation that must wait for another occasion.

However, in a consequentialist spirit one may reply that even if some undeserving women benefit in the immediate future, the overall evaluation surely has to weigh long-term desirable consequences against short-term undesirable ones. Finally, the objection of women lacking requisite skills for being active legislators is a matter of interpreting what skills they do have. Certainly, the hurdle of being a woman is not a small one. Learning to overcome it is evidence of having acquired as yet *unnamed* skills. Whether the skills women have are 'inferior' is relative to the purposes for which collectivities come together, and perfection is relative to the particular *kind* of politics one practices.

Whatever be the evaluation of their political skills, women have undoubtedly participated in several traditional political arenas, such as, national liberation struggles. Kishwar fails to notice that the trajectory of women's inclusion in struggles for transformation and later their exclusion is the same the world over. Gandhi's alternative extra-parliamentary politics and Nehru's inability to shake the upper class, upper caste bias of the educated elite may have been contributory factors in the Indian case, as Kishwar argues. However, the underlying reason why women are unable to translate the treasure of their political experience into power, once the immediate struggle is over, might lie elsewhere. In my view, there is nothing particular about Indian 'culture' that needs transformation in order for women to engage in more public forms of politics. As Pateman (1988) shows, the relegation of most women to the 'private sphere' of life is a ubiquitous feature of patriarchy that is further consolidated in the very birth

of civil society. Hence, we can endorse the influx of women in the political mainstream, even if in a seemingly contrived manner, as a challenge to the domination of women by men.

The claim that gender quotas will lead to women being entrapped in divisive politics fails to register the fact that electoral politics is a legitimate area of contest. If women may be pitched against other women with justification anywhere, it is here. Moreover, leadership contests have, arguably, little bearing on the possibility of solidarity between people of the same sex. It is the bargaining power of the electorate that makes leaders forge or break alliances with other leaders.

Kishwar also raises a number of technical questions regarding the suggested procedures for instituting a gender quota in legislative bodies. Since these are an integral part of her polemic against quotas it is worth responding to them briefly. One question that seems to worry her is that of why there must be a quota of 33 per cent. A simple argument for a percentage less than the 49 per cent, which is the share of women in the population, is that it is not 'mirror' representation which is being demanded. The argument for a percentage not lower than 33 per cent is that a threshold number of seats that are sufficient to effectively express the interests of women must be secured. Arguably the threshold may in fact be lower than the proposed number. A distinction made by Kymlicka (1995), between the case for proportionate presence and the case for a threshold presence, is useful in this regard. Given that women form almost half the population, they might not require any more than 25 per cent to 30 per cent of the seats in order to change the political agenda. Opponents of quotas, mistakenly assume that the point of the demand is to seek 'mirror representation'. In fact, it is effective power and not 'mirror representation' that is the goal of gender quotas.

A second technical issue regarding the procedures involved in ensuring representation of women is that of reserving constituencies by lot and rotation. Kishwar (1996) argues that reserving constituencies by lot will lead to less responsible politics because every politician will have the exit option, and hence not care to nurture a long-term relationship with the electorate. Alternatively, the necessity of seeking re-election from the same constituency would force politicians to attend to the grievances of the electorate. She has

the support of others on this observation. Abhishek M Singhvi, a senior advocate at the Supreme Court of India, claims along the same lines that:

A change of constituency every five years...would snap that fundamental link between the electorate and the elected and completely eliminate all incentive and interest in the development, nurturing and continued prosperity of the constituency which every representative must have and which is the very essence of representative democracy. It would make the very purpose of women's representation empty and devoid of substance [Singhvi 1997:28].

A quick response to this argument is that it is never the interests of all that are catered to, but only of those who the elected depend upon to secure re-election. If the interests of women voters are to be catered to at all, reservation by lot cannot but be a good device. The reason it would be a good device is that every constituency will have to be alert to the possibility of it being the next reserved one, so that no one who seeks election from a constituency can afford to neglect women's interests.

Finally, it is suggested that while it may be assumed, for the sake of argument, that the gender composition of elected assemblies must change, what is not clear is *how* this change must be brought about. Gender quotas can operate at the party level, where parties target to field at least 30 per cent (up to 50 per cent) women as candidates, but then this is something that a political party may or may not want to institute. On the positive side, the experience of Norway is exemplary in that a range of political parties abides gender quotas. The '40 per cent rule' included in the Equal Status Act in 1988 requires a 40 per cent representation of both sexes on all public boards, councils, and committees. By 1994, there were 39 per cent women in the Storting (the Norwegian parliament), and 42 per cent out of the 19 member cabinet, (i.e., eight) were women.⁴ Gender quotas have operated at the level of political parties in Germany too. The Greens lead with a 50-50 system and the other half of the ruling combine, the Social Democrats, reserve 40 per cent of party posts for women. Almost a third of the members of parliament in the lower house in Bonn are women. The Labour Party in UK recently 'twinning' constituencies to ensure that one in two will field women candidates for the Scottish parliamentary elections. The example of Spain is instructive too. Here is a country that gave equal civic rights to women as late as the 1978 post-Franco constitution.

The Socialist Party of Spain implements a mandatory 40 per cent quota of women for all its officials and representatives and this has had a demonstration effect⁵ in that the ruling Popular Party too fielded a very high proportion of women in the recent European Union parliamentary elections.⁶ On the negative side, despite promises in their manifestos, there is little evidence of any significant increase in the presence of women in the political parties of India.

In conclusion, it is obvious that much of the discussion questioning the justification of gender quotas is carried out in a consequentialist framework. The general strategy adopted by most opponents is to point out the harmful consequences of bringing about greater participation of women in legislative bodies by means of a reservation for women. However, there are three points worth making. First, not all the relevant consequences are necessarily taken into account, as is obvious, for example, in the argument about nepotism. Secondly, as the argument about skills and divisions between women illustrates, it is a matter of interpretation and disputation whether the consequences that are noted are good, bad, or neither. Finally, the constraints placed upon innovative transformative politics by historical 'givens' are also a matter of interpretation and relative evaluation, as the argument between Kishwar and Mazumdar shows. Hence, the broadly consequentialist reasoning of arguments against quotas fails to be conclusive.

However, the most important political challenge to gender quotas comes from that part of the electorate that sees itself as only just beginning to emerge in the political mainstream. The leadership claiming to represent this part of the electorate holds that the bid to introduce the women's bill on gender quotas is an upper caste ploy to stem the rising tide of lower caste men in legislative bodies [Rajshekhar 1998; TOI 1999a]. In order to respond to this challenge, we shall need to reframe the justification for gender quotas in identitarian terms. For this, an excursion into theory to equip us with the necessary conceptual tools becomes urgent.

II Conceptual Tools

I now turn to my second object of engaging with the question of the justification for gender quotas at a second-order level. Political representation is a chief

means of participation in representative democratic governments. However, to some people it might seem that the investment in improving the standing of a group within traditionally defined spheres of governance would be misdirected. They would remind us of the potential of recovering 'feminist politics as subversion' [Menon 1997:41]. I think that this is an unnecessary closing off of legitimate political options. There is enough scope for political intervention of the traditional and non-traditional kinds, fortunately, matching the different proclivities of political activists and their different locations in the polity. Thus Bickford points out that "identity plays different kinds of political roles" and "is related to power in different ways" [Bickford 1997:119]. Without meaning to undermine the profound influence of 'politicising the personal' for many women, then, there is an argument to be made for greater political participation by women through increasing their representation in legislative bodies.

Similarly, questions have to be asked about the meaning of 'public'. Whilst Pateman (1988) has argued that the restricted entry of women into government is no more surprising than the 'fact' of their general exclusion from the 'public' domain, Fraser (1992) has queried the notion of the 'public' operating in this 'factual' claim. Sparks (1997) suggests in a similar vein that the 'public' must be reconceptualised to include the non-traditional arenas where activities aimed at collective goals are carried out. In the idealised picture, "bourgeois public spheres" are "aimed at mediating between society and the state by holding the state accountable to society via publicity" [Fraser 1992:112]. But alternative historiography shows that the "official public sphere... was, and indeed is, the prime institutional site for the construction of the consent that defines the new, hegemonic mode of domination" (ibid 117). The question, however, whether the 'public sphere' must be criticised for being a utopian ideal or exposed as an instrument of domination is not so important. It is, as Fraser herself acknowledges, 'perhaps both, but actually neither' (ibid 117). Women's political activities may not have been granted the same status as men's, but women were a part of the public sphere, as members of *weak publics*. Now, think of the sovereign parliament as 'a public sphere *within* the state', as a 'strong' public in comparison to 'weak publics' (ibid 134, her emphasis). What becomes more im-

portant, on this construal of the public sphere, is to get a clearer picture of what kinds of public women were excluded, and which women were excluded more than others. We can do this if, 'rather than rejecting identity', we 'delve into its complicated political meanings' [Bickford 1997:118]. The double advantage of such a move is that it allows us, first, to acknowledge the ways in which some women succeed in *directly* participating in the formation of collective goals, through various extra-parliamentary though institutionalised forums. Secondly, it helps us to identify the obstacles that prevent other women from having the opportunity to do so.

In conclusion, Fraser's idea of the 'heterogeneous public' including both, strong and weak publics, allows a variegated understanding of political action. Thus, calls for gender quotas, which necessarily involve the 'protector' state, can sit alongside 'dissident citizenship' [Sparks 1997] expressed in 'dharnas', demonstrations and other political activities of civil disobedience. In the case of India, we do not have to address the underlying causes of women's exclusion 'instead' of the designed entry of women [Singh 1997:13; Kishwar 1996]. We can do both. A dichotomous understanding of the political sphere, by contrast, fails to recognise the multiple possibilities that a diversified, decentralised feminist activism can take up. It also takes a rather crude additive view of the 'situation' of women and misunderstands the nature of 'collective' action. Above all, it misrepresents the praxis of women actually engaged in political action in the various publics they find themselves in.

III Identity Concerns

A theoretical framework more suitable than consequentialism for the discussion of the policy of gender quotas is that of *identity concerns*. Its main principle would be that *we must judge public policies in terms of their sensitivity to the identities of people for whom they are designed*. Note, by contrast, that consequentialism does not suggest what value should be placed on identity as such compared to the value placed on the preferences for other goods. The value of having a sense of identity (for example, as a woman and/or citizen and/or member of a caste) is merely one of many goods that are aggregated

along with other goods such as remunerated work or status in society. Let me hasten to add that my object here is not to evaluate consequentialism as such. Rather, I am suggesting that if, as feminists, we are concerned with whether or not the political change of instituting gender quotas is in the interests of women, then we need to look further than weighing consequences of the policy of gender quotas. We need to get clearer about what it *means* to identify with other women.

Some feminists have doubted the worth of identity politics.⁷ In order for the principle I am suggesting to have any credence, I need to at least indicate the direction in which an answer to some of the feminists' objections to identity politics lies. For a start let us note that without conceptualising women as a collectivity, "it is not possible to conceptualise oppression as a systematic, structured, institutional process" [Young 1994:718]. But one's identity, as I understand it, is not just a simple given, but a complex process of 'identification-with'. If we want to live in a world where interpersonal relations are governed by mutual respect and acknowledgement of persons, we must pay due attention to the identity concerns of people from the first person perspective. Public policies that deny these identities, or fail to respect them, are objectionable on the ground that they undermine the conditions of genuine reciprocity and therefore destroy the possibility of building a world of closer human ties.

By the first person perspective I mean 'my sense of who I am' to the extent that such a self-identification determines which others I will subjectively identify with for a common project. The later Sartrean distinction between being a part of a collective which is interconnected by the relation of seriality (as in a queue for a bus) and being a part of a group which is bound together by shared projects is very useful in this regard. Feminist theorising of group identity in these terms, differentiating between 'passively mediated ensembles and intentionally created ones' [Kruks 1995:15; Young 1994], explains the conundrum of seeking motivational identification with other women without presumptively essentialising them.

Women are globally a part of the serial collectivity 'women' which is amorously defined by their respective *passive* situation in a world constructed as heterosexual and defined by a sexual division of labour. Each one of us is a part of various

collectivities. What is distinctive about these is that there is no self-consciousness of having a shared project, although we may be individually negotiating the same problem in the world that is given to us. Out of these collectivities emerge groups of women who share some project or other aimed at removing the constraints on their activity. Such groups may fall back into seriality when the common project is abandoned or lost. Collectivities form the milieu in which those individual women from disintegrated groups may then seek to form other groups with other shared projects.

The distinction between collectivities and groups allows us to dispel some confusion about what may be expected out of the praxis of women demanding gender quotas. Feminists who demand gender quotas must surely know that even women who have formed into a group as women may be called upon to respond to the allegiances of other possible groups (class-, religious-, caste-based ones). Gender quotas will only enable some possibilities for the formation of women's groups that will hopefully be directed by ever more global and valuable shared projects.

The framework of identity concerns also offers an alternative justification for representation. Representative governments need not just be expedient arrangements for public decision-making in rapidly transforming societies. Representation may no longer allow the face-to-face interactions of the direct democracies of ancient times but it can also provide us with the opportunity to identify with others. The process of trusting my vote to a candidate and/or a party I choose to support, is a process in which I can *form* communal bonds of solidarity. My identity is affirmed or denied or negotiated by my participation in the process of choosing representatives. It is with political representation that the really hard questions arise regarding how a group can be carved out of various people who simultaneously belong to different collectivities. A collectivity born out of the relation of seriality, say the collectivity of women demanding gender quotas, has the potential of becoming a group with common goals and shared projects. The point to note, however, is that group formation is not an entirely self-directed activity. There are a host of unintended consequences of collective action that may turn out to be obstacles in future projects and thus hamper the formation of other valuable groups. To that extent, engaging in an exercise of unravelling possible con-

sequences of pursuing a project is useful, without falling in the trap of *justifying* the shared projects in a consequentialist way.

The identity of being a woman, of belonging to the group women, is especially difficult for some to accept as a basis for representation because women are also at the same time poor or rich, educated or illiterate, upper caste or lower caste and so on. Hence, some theorists prefer to address the concerns of women indirectly, as the concerns, for example, of the poor, the illiterate, or the lower caste. The displacement of one identity for another signals the value a theorist places on a particular identity-preserving/undermining policy. For example, one may argue that reservations in the case of the scheduled castes were meant to address the economic want they suffer and to undo the social disadvantage that flows from such economic want [Gupta 1997:1977]. From such a point of view, an approach to reservations that seeks to undercut caste identity is more valuable than one that perpetuates it even as both may be motivated by concerns to reverse disadvantages stemming from caste status (ibid:1971). One may similarly argue against the demand for gender quotas on the grounds that focusing on gender hampers the formation of a 'class-based' identity. This I take to be another case of a needlessly dichotomous mode of thought. Our identities are mediated by the world in which we live. If the world in which we live is in fact class-divided as well as patriarchal, how could this material mediation be 'overridden' or 'undercut' by an attempt to form women into a group as women? While identifying with women as women in some arenas of public life, working women can still identify with working men in other (overlapping) arenas of public life.

However, more women in the parliament in effect means that fewer men get in. Here, *as* men and *as* women, the interests of the two collectivities clash. It is hardly surprising that the women's bill was so easily scuttled in the predominantly male Indian parliament,⁸ before it was finally introduced on December 23, 1999. Moreover, the strongest opposition to the tabling of the legislation for a gender quota came from the leaders of the other backward castes. Men from these caste groups are well aware of the relative disadvantage that women from lower castes have with respect to upper caste women, who are more articulate, educated and independent. They do not expect a gender quota to help

them improve the overall political standing of their caste groups, because they fear that the sole purpose of the bill is to check the increase in the number of backward caste men in legislative bodies.⁹

An identity based justification for gender quotas must address this fear. On my analysis, the multiple position of lower caste women is a given in which they have to *existentially* form their shared projects. They form one collective with lower caste men, and another with upper caste women. The possibility of forming group solidarities exists on both fronts. The question for them to decide is which of those solidarities they take as opening further possibilities for them. Their identification with women of the upper castes may in their experience be in danger of lapsing them back into a relation of seriality with women. Or they may fear that when the women's bill is objected to in their name, it is not their disadvantage which is the prime concern but the narrower electoral prospects of lower caste men.

From a feminist point of view what matters is that more women participate in legislative bodies. It is of secondary importance which caste group they come from.¹⁰ But one may ask – can women of one social collectivity represent those of another collectivity? Much discussion in feminist literature has focused on the *problem* of women speaking about women without substituting the dominant modes of the self-understanding of highly-educated, mobile, middle-class, westernised (white) women for the voices of all the other women – the illiterate, the poor, the lower caste, the non-western. It is important to distinguish this legitimate concern of the feminist from the sceptical question about any representation as such. The main difference in the two approaches is that the feminist one is committed to evolving ways of communicating between women, and in most cases between women and men. The feminist is therefore cautious of the unintended, but possible consequence of silencing some women in the effort made to 'speak for' them. The plainly sceptical approach, on the other hand, does not raise these problems with any expectation of finding a solution.

The determination of our identities depends to a great extent upon the contingent circumstances we find ourselves in. Further, others often interpret for us what these circumstances are. Different interpretations of the world we inhabit support different identities. Our choice

lies in identifying with a particular interpretation of our world out of the different interpretations available to us. Our current self-interpretation is only one among the several interpretations available to us. It is the one that we have identified with in our present location.

IV Representation

We accept another as our representative if we identify with the interpretation of our world that s/he offers. There is a special relation we may have to our political representatives if our dependence upon them stretches beyond defending our current interests to articulating a possible future in which we matter. We trust the promise of representation they make to us only if as a minimum requirement, we accept the plausibility of the programme of transformation they offer. A stronger requirement for representation would be that the person who represents me embodies my own hopes and aspirations for the future by sharing projects with me. It is only in this sense that my representative may 'mirror' me.

'Mirror' and 'elected' representation need to be carefully distinguished. The idea of 'group' representation promotes the protection of the interests of smaller, or less powerful, 'groups' under a system of majority rule. However, 'group representation' is an ambiguous term because it can mean either 'mirror representation' or 'elected representation'. On the first interpretation, only someone who shares the *definitive* characteristic of the 'group' can adequately represent others like her. On this view only women can represent women, only Hindus can represent Hindus and only Punjabis can represent Punjabis. On the second interpretation, the *procedure of election* alone determines the adequacy of representation. The identity of those elected, i.e., 'who' they are, is not important. If the elections are rigged, or in some other way not in line with procedures laid down and collectively agreed, then the chosen representatives are not truly elected representatives. Otherwise, 'free' and 'fair' elections guarantee the legitimacy of representation.¹¹

The idea of mirror representation rests on the belief that the 'barriers of experience' are insurmountable; for example, it may be claimed that only a woman can understand what it is to be a woman.

Just as a nobleman cannot represent a plebeian and the latter cannot represent a

nobleman, so man, no matter how honest he may be, cannot represent a woman. Between the representatives and the represented there must be an absolute identity of interests.¹²

The founding idea of mirror representation (that only like should represent like) is born out of the struggle of members of excluded groups for recognition of their needs and interests. The experiences of being excluded are expressed in historically specific claims that ought to be read in specific terms. The demand for mirror representation does not necessarily depend upon or lead to the suggestion of any *essential* difference between the experiences of men and women – save the difference that is *constructed* by their specific location in the dominant social hierarchies of their times. Inasmuch as our identities are socially constructed and our capacities for identification with others limited by our identities, indeed, there may be barriers of experience that are, at particular junctures, insurmountable. Therefore, there may be specific needs and interests that at those junctures remain absent from the political agenda.

The retort of those who support 'elected' representation is that the claim that men cannot understand the needs of women provides an excuse for *not trying* to understand women (making it a self-fulfilling prophecy). A stronger argument for elected representation, as the only coherent notion of political representation, is that non-understanding 'cuts both ways'. If men are deemed unfit for representing women, then women too are supposedly incapable of representing men. Either way 'what' is placed on the political agenda gets limited by 'who' puts it there. Phillips (1995) claims that "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" (ibid:5).

By 'a politics of ideas', Phillips means a politics where the ideas someone stands for determine the loyalties of electors and not the identities of candidates. From the point of view of such a politics, the main reason why we elect particular people to represent us must be that we share ideas – political beliefs, goals, aspirations – with them and not on the basis that they are Hindu or Muslim, or brahmin or dalit, or man or woman. This is a conception of a free market of ideas, which works on the assumption that ideas are separable from

presence. *Who* our representatives are, on this view, does not matter to whether they can effectively represent us in decision-making bodies such as the parliament.

However, Phillips' argument is that if we are interested in the transformation of the political agenda, then we must make an attempt to draw people from different collectivities into the process of decision-making.

Since all the options are not already in play, we need to ensure a more even-handed balance of society's groups in the arena of public discussion... If fair representation also implies fair representation of what would emerge under more favourable conditions, we have to address the composition of the decision-making assemblies as well as the equal right to vote (ibid:45).

Thus, she argues that in some cases the *presence* of people from particular groups is necessary to transform the political agenda. Collectivities such as of women and dalits have been excluded from political decision-making bodies for so long, that 'what' their interests are, *from their own point of view*, is not clearly articulated. This is not to say that they do not *know* what their interests are. One may know what is in one's interest, without being able to translate that knowledge into the language of political demands. The reason why we talk of 'women' or 'dalits' as a potential group is that there is a basis of shared experience – of vulnerability, of threats to dignity, and much else, even if there may be much less of a basis of shared ideas. However, note that while Phillips' analysis lends support to the case for gender quotas in legislative bodies, her warning that changing the gender composition 'cannot present itself as a guarantee' [Phillips 1995:83] qualifies that support.

An identity-based justification for a gender quota, such as I have offered, also makes a case for representation beyond merely 'elected' representation. However, the brief discussion¹³ above suggests that identity concerns do not have an independent value for Phillips but are merely instrumental in ensuring equal representation of the interests of disadvantaged 'groups'. By contrast with her, I work with a stronger notion of identity from the first-person perspective. What matters when choosing representatives, on my analysis, is that one is at least able to identify with the programme of transformation that is offered. However, the stronger requirement – that the chosen representatives

embody some of my own hopes and aspirations – necessitates acknowledging an additional symbolic value of same-sex or same-caste representatives. Moreover, if gender quotas are only designed to change the content of the political agenda, as in Phillips, one also ignores that changing the nature of the 'strong public' makes a difference to the relation it has with the weaker publics in which women traditionally participate. Thus, the potential for political participation of women more generally is affected by changing the gender composition of legislative bodies, not just the agendas of these bodies.¹⁴

V Conclusion

In the course of this paper, I have argued that justifications for gender quotas in legislative bodies must move beyond an evaluation of the consequences of following such a policy. Reflection on the Indian debate shows that selective emphases and different interpretations of the probable consequences of following a policy of gender quotas lead to a stalemate. I have suggested that paying attention to identity concerns is a more fruitful way of understanding the opposition and support for the use of gender quotas in ensuring the representation of women in legislative bodies.¹⁵ In this respect, the idea of 'heterogeneous' publics suggests that different women have been excluded from parliamentary politics in different ways. Hence, political measures for their inclusion too must be conceptualised with sensitivity to the differences between them. As we have seen in the case of the debate in India, some may favour interventionist policies like gender quotas, while others may favour gradual reform boosted perhaps by efforts to democratise the polity, through education, electoral reforms or even economic advancement. On my analysis, the quarrel between interventionists and gradualists cannot be settled by an impersonal evaluation of the consequences of following either path. However, the picture becomes clearer if we pay attention to what these measures mean *personally* to those who are affected by them, i.e. how they affect their sense of who they are and which groups they can see themselves as forming.¹⁶ In this regard, it is worth noting that at a recent meeting in Chennai, women from more than 40 voluntary organisations, including both rural and urban based, called for a united support for the women's bill

[*The Hindu*, 1999:1].

I have argued that gender quotas will hold a significant, though limited, promise of enabling the group formation of women motivated by the shared project of increasing their participation in politics. The limitation arises from the fact that it is not just my passive location within a collectivity, but the possibility of my active 'identification-with' others that determines whether or not a project, such as that of the struggle for gender quotas, is valuable. But it would be a mistake to view the group formation that the project of gender quotas promises as essentialising or trapping women in their identity as women. I have emphasised that a closer look at the manner in which groups form out of collectivities, and the open possibility of regrouping that this process allows, should assuage at least some misgivings about identity politics associated with the political measure of gender quotas. To the extent that I have tried to remove such misgivings, especially those expressed by Kishwar (1996), my support for the specific legislation for gender quotas is an indirect one. If an alternative legislation were put on offer, provided that it does not trade on the myth of 'free' and 'fair' elections and provided that it addresses the complex question of how to negotiate the identities of women from lower/backward castes and minorities with a view to empower *them*, then that alternative legislation should also be discussed alongside the currently proposed one. ¹⁷

Notes

[This article is accepted for inclusion in a collection of essays in the memory of A R Desai. I am grateful to Jairus Banaji for permission to publish it in advance. Some of the ideas here were first presented at the annual conference of the British Association of South Asian Studies held at Bath in 1997. I thank Yogendra Yadav, who was present on this occasion, for supporting the idea of a philosophical reflection on an urgent practical matter. A shorter version of this article, focusing on the general philosophical debates connected with women's identity, political participation and representation is published as Dhanda (1999). I am grateful to Christine Battersby, the general editor of *Women's Philosophy Review*, for permission to reproduce and use parts of the discussion in that article. Diemut Bubeck's help in clarifying many of my fuzzy ideas is gratefully acknowledged. The suggestions for improvement offered by Alan Apperley and Pritam Singh who read and commented on successive drafts were very useful. Tanya Singh retrieved files that I had given up for lost. I thank them all.]

1 The French senate has recently passed a motion by a massive 289 to 8 votes calling for a constitutional amendment to boost gender parity in public offices. If both the houses of parliament pass the motion, article three of the constitution will be changed to include

the words: "The law will encourage equal access for women and men to political life and elected posts". What this encouragement materialises into in the shape of new laws is not clear at this stage. But the move has generated a debate in France about the possible use of gender quotas to achieve parity in the gender composition of elected assemblies dividing feminists along the predictable lines of 'grass roots pressure' versus 'legislative paths' to reform [Henley 1999].

- 2 I shall assume a sufficiently general and inclusive marker for who counts as "feminist". Let those who disagree tell us why a narrower definition is preferable to the following one. A feminist is someone who is practically guided by the belief that women suffer systematic disadvantages in social and political terms because they are women. Clearly, in being 'practically guided', a feminist hopes to succeed in removing or at least lessening some of the identified disadvantages. Such a definition might include even those who have avowedly disowned the 'label'.
- 3 The 'Women's Bill' (in the first instance called 'The Constitution (Eighty-first Amendment) Bill, 1996) proposes to introduce this reservation with the reserved constituencies to be determined by lottery. The one-third women's quota is also applicable to the scheduled caste/scheduled tribe reservation, except where the number of seats in the SC/ST reserved constituencies is less than three. I shall indicate below the complex nature of the opposition to this measure for including women and the equally complex response it deserves, since this issue raises the general difficulty of prioritising feminist concerns over allegedly 'other' equally justified concerns of inclusion of 'other' marginalised groups. I think that it is absurd to actually try to separate the oppression resulting from one's being a woman from that resulting from one's being a member of a lower/backward caste. Being oppressed as a 'lower/backward caste woman' is not only a specific way of being oppressed as a woman, but also a specific way of being oppressed as a member of a lower/backward caste. Even though it seems that the means one chooses to fight the oppression at a particular juncture have the effect of prioritising a particular practical identity, say that of being a woman, one must remember that it is not merely the 'identity' of being a woman that is reinforced, but the *real* woman who is empowered. If that real woman is *also* a member of a lower/backward caste, then a member of a lower/backward caste is empowered when she is empowered.
- 4 Information obtained from Royal Norwegian Embassy (1997). There is no author or date of publication of this leaflet, but its contents suggest a publication date later than 1994.
- 5 In the light of this and other examples of such a demonstration effect on centre-right parties, it seems otiose to lament that the "emanipatory slogans of the women's movement of the 1970s and the early 1980s have been hijacked by the Hindu right to consolidate their hold over upper caste educated middle classes" [Raman 1999]. Likewise to say that the 'BJP has no moral right to talk of women's empowerment' [Pati 1998] because some of its MPs publicly proclaim patriarchal beliefs is to miss the significance of internal differences within hegemonic parties. Another way of looking at the matter is of seeing the Hindu right itself in a more differentiated way, as consisting of some forces that pull it towards more progressive measures and other forces that drag it in the opposite direction. It is possible

that the progressive element within the Hindu right would gain an upper hand, provided that there were a general consensus on the need for legislation in favour of gender equity. Despite my criticism of the complaint about 'hijacking', I am in agreement with Vasanthi Raman in that "emphasising the dimension of gender oppression at the expense of other oppressions (of caste, ethnicity, class, religion, etc) glosses over the complex and intricate ways in which gender oppression is embedded in these categories" [Raman 1999]. In line with my argument (see note 3 above) she even concedes that "affirmative action for women would certainly play a role in undermining male and upper caste dominance" (ibid) provided that our response to gender oppression is "more subtle and nuanced". My point is that if the legislation for gender quotas is found too 'crude', then the opposition to this legislation also needs to rise to the task of providing 'more subtle and nuanced' alternatives. Until such alternatives emerge, we should discuss seriously the legislation that is at present on offer.

- 6 Writing on women in Spain, Burns (1999), explains that in the labour market where women lag considerably behind men, the government has introduced progressive legislation. On the one hand there is the provision to avail a paternity leave of 10 weeks, should a father wish to substitute the mother for part of her 16 weeks maternity leave. On the other hand the labour ministry funds training courses and "up to 60 per cent of available places on such courses are reserved for women should the programme deal with skills in job sectors where women are under-represented" [Burns 1999].
- 7 See Bickford (1997) for a comprehensive account of objections to identity politics, and her pertinent replies.
- 8 The current number of women MPs is 43, which is 8 per cent of the total.
- 9 Thus, Mulayam Singh Yadav (SP) reportedly said that the Congress and the BJP were colluding against the poor and the downtrodden sections [TOI 1999a]. Interestingly, however, he is also reported to have said that the Samajwadi Party was not against the bill but wanted a sub-quota for backward classes and minorities. Indeed, some of the National Democratic Alliance (NDA) partners have also expressed the feeling that the demand for sub-quotas should be taken into consideration [TOI 1999b].
- 10 It should be clear from my arguments in favour of identity concerns that should some women choose to prioritise their caste/religious identity, that is their prerogative. The question of the inclusion/exclusion of backward castes and minorities in the system of quotas, expressed in the demand for sub-quotas must be discussed in terms of what backward caste women and women from religious minorities want and can reasonably hope for.
- 11 But note that 'free' and 'fair' elections may nonetheless exhibit a systematic gender bias. Using data from Indian elections from 1952-97 compiled by the CSDS data unit, Chandrika Parmar argues that even with an increase in the number and proportion of women contestants "the success rate of women contestants has steadily fallen" throughout the period 1952-97. "The logic of free competition", she rightly concludes, "is likely to work to the disadvantage of women" [Parmar 1997:50].
- 12 This is a citation by S Vegetti Finzi 'Female Identity between Sexuality and Maternity' in G Bock and S James (eds) (1993), *Beyond Equality and Difference*, London, p 128, from a claim made by a group of Frenchwomen to a place in the Estates General in 1789 quoted

by Phillips (1995:52).

- 13 For a further discussion of Phillips (1995) see Dhanda (1997).
- 14 Amartya Sen (2000) argued in a recent lecture that the empowerment of young women was one of the most important factors in controlling fertility and thus stemming the growth of population. Such a view lends support to interventionist measures such as gender quotas or similar effective legislation to increase women's political participation. What we have in front of us is not only the prospect of radically enhancing women's role in political decision-making but also of creating a socio-political environment of greater credibility of women's power. Increasing women's power has ramifications in some very pressing areas of concern such as the control of population through enhancing women's control of their fertility.
- 15 According to recent reports it appears that there may be a prospect of reconciliation between the ruling party's stance on the women's bill as it stands and that of the opposition, especially the SP's objection to it. For whatever it is worth, this is reflected in the PM's speech to the house after the bill was introduced. He reportedly said that the bill was "not the last word" and a solution to the demand for a sub-quota for minorities and backward classes could be found [TOI 1999c:12].
- 16 One way of determining what gender quotas mean personally to women is to ask them. In the Indian case, I think we will find that women want gender quotas. This seems to be the likely outcome following the one-third reservation for women in village level local government. According to Mitra and Ansari (1998:16), "over a million women now sit as elected representatives in local bodies". I expect that their praxis will have clarified for them the value of identifying with other women and that due to their experience they are likely to support gender quotas in the parliament.

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