

Polity and Group Difference: A Critique of the Ideal of Universal Citizenship

Author(s): Iris Marion Young

Source: *Ethics*, Vol. 99, No. 2 (Jan., 1989), pp. 250-274

Published by: The University of Chicago Press

Stable URL: <http://www.jstor.org/stable/2381434>

Accessed: 20-02-2018 22:01 UTC

REFERENCES

Linked references are available on JSTOR for this article:

http://www.jstor.org/stable/2381434?seq=1&cid=pdf-reference#references_tab_contents

You may need to log in to JSTOR to access the linked references.

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <http://about.jstor.org/terms>



JSTOR

The University of Chicago Press is collaborating with JSTOR to digitize, preserve and extend access to *Ethics*

Polity and Group Difference: A Critique of the Ideal of Universal Citizenship

Iris Marion Young

An ideal of universal citizenship has driven the emancipatory momentum of modern political life. Ever since the bourgeoisie challenged aristocratic privileges by claiming equal political rights for citizens as such, women, workers, Jews, blacks, and others have pressed for inclusion in that citizenship status. Modern political theory asserted the equal moral worth of all persons, and social movements of the oppressed took this seriously as implying the inclusion of all persons in full citizenship status under the equal protection of the law.

Citizenship for everyone, and everyone the same qua citizen. Modern political thought generally assumed that the universality of citizenship in the sense of citizenship for all implies a universality of citizenship in the sense that citizenship status transcends particularity and difference. Whatever the social or group differences among citizens, whatever their inequalities of wealth, status, and power in the everyday activities of civil society, citizenship gives everyone the same status as peers in the political public. With equality conceived as sameness, the ideal of universal citizenship carries at least two meanings in addition to the extension of citizenship to everyone: (a) universality defined as general in opposition to particular; what citizens have in common as opposed to how they differ, and (b) universality in the sense of laws and rules that say the same for all and apply to all in the same way; laws and rules that are blind to individual and group differences.

During this angry, sometimes bloody, political struggle in the nineteenth and twentieth centuries, many among the excluded and disadvantaged thought that winning full citizenship status, that is, equal political and civil rights, would lead to their freedom and equality. Now in the late twentieth century, however, when citizenship rights have been formally extended to all groups in liberal capitalist societies, some groups still find themselves treated as second-class citizens. Social movements of oppressed and excluded groups have recently asked why extension of equal citizenship rights has not led to social justice and equality. Part of the answer is

Ethics 99 (January 1989): 250–274

© 1989 by The University of Chicago. All rights reserved. 0014-1704/89/9902-0004\$01.00

straightforwardly Marxist: those social activities that most determine the status of individuals and groups are anarchic and oligarchic; economic life is not sufficiently under the control of citizens to affect the unequal status and treatment of groups. I think this is an important and correct diagnosis of why equal citizenship has not eliminated oppression, but in this article I reflect on another reason more intrinsic to the meaning of politics and citizenship as expressed in much modern thought.

The assumed link between citizenship for everyone, on the one hand, and the two other senses of citizenship—having a common life with and being treated in the same way as the other citizens—on the other, is itself a problem. Contemporary social movements of the oppressed have weakened the link. They assert a positivity and pride in group specificity against ideals of assimilation. They have also questioned whether justice always means that law and policy should enforce equal treatment for all groups. Embryonic in these challenges lies a concept of *differentiated* citizenship as the best way to realize the inclusion and participation of everyone in full citizenship.

In this article I argue that far from implying one another, the universality of citizenship, in the sense of the inclusion and participation of everyone, stands in tension with the other two meanings of universality embedded in modern political ideas: universality as generality, and universality as equal treatment. First, the ideal that the activities of citizenship express or create a general will that transcends the particular differences of group affiliation, situation, and interest has in practice excluded groups judged not capable of adopting that general point of view; the idea of citizenship as expressing a general will has tended to enforce a homogeneity of citizens. To the degree that contemporary proponents of revitalized citizenship retain that idea of a general will and common life, they implicitly support the same exclusions and homogeneity. Thus I argue that the inclusion and participation of everyone in public discussion and decision making requires mechanisms for group representation. Second, where differences in capacities, culture, values, and behavioral styles exist among groups, but some of these groups are privileged, strict adherence to a principle of equal treatment tends to perpetuate oppression or disadvantage. The inclusion and participation of everyone in social and political institutions therefore sometimes requires the articulation of special rights that attend to group differences in order to undermine oppression and disadvantage.

I. CITIZENSHIP AS GENERALITY

Many contemporary political theorists regard capitalist welfare society as depoliticized. Its interest group pluralism privatizes policy-making, consigning it to back-room deals and autonomous regulatory agencies and groups. Interest group pluralism fragments both policy and the interests of the individual, making it difficult to assess issues in relation to one another and set priorities. The fragmented and privatized nature

of the political process, moreover, facilitates the dominance of the more powerful interests.¹

In response to this privatization of the political process, many writers call for a renewed public life and a renewed commitment to the virtues of citizenship. Democracy requires that citizens of welfare corporate society awake from their privatized consumerist slumbers, challenge the experts who claim the sole right to rule, and collectively take control of their lives and institutions through processes of active discussion that aim at reaching collective decisions.² In participatory democratic institutions citizens develop and exercise capacities of reasoning, discussion, and socializing that otherwise lie dormant, and they move out of their private existence to address others and face them with respect and concern for justice. Many who invoke the virtues of citizenship in opposition to the privatization of politics in welfare capitalist society assume as models for contemporary public life the civic humanism of thinkers such as Machiavelli or, more often, Rousseau.³

With these social critics I agree that interest group pluralism, because it is privatized and fragmented, facilitates the domination of corporate, military, and other powerful interests. With them I think democratic processes require the institutionalization of genuinely public discussion. There are serious problems, however, with uncritically assuming as a model the ideals of the civic public that come to us from the tradition of modern political thought.⁴ The ideal of the public realm of citizenship as expressing a general will, a point of view and interest that citizens have in common which transcends their differences, has operated in fact as a demand for homogeneity among citizens. The exclusion of groups defined as different was explicitly acknowledged before this century. In

1. Theodore Lowi's classic analysis of the privatized operations of interest group liberalism remains descriptive of American politics; see *The End of Liberalism* (New York: Norton, 1969). For more recent analyses, see Jürgen Habermas, *Legitimation Crisis* (Boston: Beacon, 1973); Claus Offe, *Contradictions of the Welfare State* (Cambridge, Mass.: MIT Press, 1984); John Keane, *Public Life in Late Capitalism* (Cambridge, Mass.: MIT Press, 1984); Benjamin Barber, *Strong Democracy* (Berkeley: University of California Press, 1984).

2. For an outstanding recent account of the virtues of and conditions for such democracy, see Philip Green, *Retrieving Democracy* (Totowa, N.J.: Rowman & Allanheld, 1985).

3. Barber and Keane both appeal to Rousseau's understanding of civic activity as a model for contemporary participatory democracy, as does Carole Pateman in her classic work, *Participation and Democratic Theory* (Cambridge: Cambridge University Press, 1970). (Pateman's position has, of course, changed.) See also James Miller, *Rousseau: Dreamer of Democracy* (New Haven, Conn.: Yale University Press, 1984).

4. Many who extol the virtues of the civic public, of course, appeal also to a model of the ancient polis. For a recent example, see Murray Bookchin, *The Rise of Urbanization and the Decline of Citizenship* (San Francisco: Sierra Club Books, 1987). In this article, however, I choose to restrict my claims to modern political thought. The idea of the ancient Greek polis often functions in both modern and contemporary discussion as a myth of lost origins, the paradise from which we have fallen and to which we desire to return; in this way, appeals to the ancient Greek polis are often contained within appeals to modern ideas of civic humanism.

our time, the excluding consequences of the universalist ideal of a public that embodies a common will are more subtle, but they still obtain.

The tradition of civic republicanism stands in critical tension with the individualist contract theory of Hobbes or Locke. Where liberal individualism regards the state as a necessary instrument to mediate conflict and regulate action so that individuals can have the freedom to pursue their private ends, the republican tradition locates freedom and autonomy in the actual public activities of citizenship. By participating in public discussion and collective decision making, citizens transcend their particular self-interested lives and the pursuit of private interests to adopt a general point of view from which they agree on the common good. Citizenship is an expression of the universality of human life; it is a realm of rationality and freedom as opposed to the heteronomous realm of particular need, interest, and desire.

Nothing in this understanding of citizenship as universal as opposed to particular, common as opposed to differentiated, implies extending full citizenship status to all groups. Indeed, at least some modern republicans thought just the contrary. While they extolled the virtues of citizenship as expressing the universality of humanity, they consciously excluded some people from citizenship on the grounds that they could not adopt the general point of view, or that their inclusion would disperse and divide the public. The ideal of a common good, a general will, a shared public life leads to pressures for a homogeneous citizenry.

Feminists in particular have analyzed how the discourse that links the civic public with fraternity is not merely metaphorical. Founded by men, the modern state and its public realm of citizenship paraded as universal values and norms which were derived from specifically masculine experience: militarist norms of honor and homoerotic camaraderie; respectful competition and bargaining among independent agents; discourse framed in unemotional tones of dispassionate reason.

Several commentators have argued that in extolling the virtues of citizenship as participation in a universal public realm, modern men expressed a flight from sexual difference, from having to recognize another kind of existence that they could not entirely understand, and from the embodiment, dependency on nature, and morality that women represent.⁵ Thus the opposition between the universality of the public realm of citizenship and the particularity of private interest became conflated with oppositions between reason and passion, masculine and feminine.

The bourgeois world instituted a moral division of labor between reason and sentiment, identifying masculinity with reason and femininity

5. Hannah Pitkin performs a most detailed and sophisticated analysis of the virtues of the civic public as a flight from sexual difference through a reading of the texts of Machiavelli; see *Fortune Is a Woman* (Berkeley: University of California Press, 1984). Carole Pateman's recent writing also focuses on such analysis. See, e.g., Carole Pateman, *The Social Contract* (Stanford, Calif.: Stanford University Press, 1988). See also Nancy Hartsock, *Money, Sex and Power* (New York: Longman, 1983), chaps. 7 and 8.

with sentiment, desire, and the needs of the body. Extolling a public realm of manly virtue and citizenship as independence, generality, and dispassionate reason entailed creating the private sphere of the family as the place to which emotion, sentiment, and bodily needs must be confined.⁶ The generality of the public thus depends on excluding women, who are responsible for tending to that private realm, and who lack the dispassionate rationality and independence required of good citizens.

In his social scheme, for example, Rousseau excluded women from the public realm of citizenship because they are the caretakers of affectivity, desire, and the body. If we allowed appeals to desires and bodily needs to move public debates, we would undermine public deliberation by fragmenting its unity. Even within the domestic realm, moreover, women must be dominated. Their dangerous, heterogeneous sexuality must be kept chaste and confined to marriage. Enforcing chastity on women will keep each family a separated unity, preventing the chaos and blood mingling that would be produced by illegitimate children. Chaste, enclosed women in turn oversee men's desire by tempering its potentially disruptive impulses through moral education. Men's desire for women itself threatens to shatter and disperse the universal, rational realm of the public, as well as to disrupt the neat distinction between the public and private. As guardians of the private realm of need, desire, and affectivity, women must ensure that men's impulses do not subvert the universality of reason. The moral neatness of the female-tended hearth, moreover, will temper the possessively individualistic impulses of the particularistic realm of business and commerce, since competition, like sexuality, constantly threatens to explode the unity of the polity.⁷

It is important to recall that universality of citizenship conceived as generality operated to exclude not only women, but other groups as well. European and American republicans found little contradiction in promoting a universality of citizenship that excluded some groups, because the idea that citizenship is the same for all translated in practice to the requirement that all citizens be the same. The white male bourgeoisie conceived republican virtue as rational, restrained, and chaste, not yielding

6. See Susan Okin, "Women and the Making of the Sentimental Family," *Philosophy and Public Affairs* 11 (1982): 65–88; see also Linda Nicholson, *Gender and History: The Limits of Social Theory in the Age of the Family* (New York: Columbia University Press, 1986).

7. For analyses of Rousseau's treatment of women, see Susan Okin, *Women in Western Political Thought* (Princeton, N.J.: Princeton University Press, 1978); Lynda Lange, "Rousseau: Women and the General Will," in *The Sexism of Social and Political Theory*, ed. Lorenne M. G. Clark and Lynda Lange (Toronto: University of Toronto Press, 1979); Jean Bethke Elshtain, *Public Man, Private Woman* (Princeton, N.J.: Princeton University Press, 1981), chap. 4. Mary Dietz develops an astute critique of Elshtain's "maternalist" perspective on political theory; in so doing, however, she also seems to appeal to a universalist ideal of the civic public in which women will transcend their particular concerns and become general; see "Citizenship with a Feminist Face: The Problem with Maternal Thinking," *Political Theory* 13 (1985): 19–37. On Rousseau on women, see also Joel Schwartz, *The Sexual Politics of Jean-Jacques Rousseau* (Chicago: University of Chicago Press, 1984).

to passion or desire for luxury, and thus able to rise above desire and need to a concern for the common good. This implied excluding poor people and wage workers from citizenship on the grounds that they were too motivated by need to adopt a general perspective. The designers of the American constitution were no more egalitarian than their European brethren in this respect; they specifically intended to restrict the access of the laboring class to the public, because they feared disruption of commitment to the general interests.

These early American republicans were also quite explicit about the need for the homogeneity of citizens, fearing that group differences would tend to undermine commitment to the general interest. This meant that the presence of blacks and Indians, and later Mexicans and Chinese, in the territories of the republic posed a threat that only assimilation, extermination, or dehumanization could thwart. Various combinations of these three were used, of course, but recognition of these groups as peers in the public was never an option. Even such republican fathers as Jefferson identified the red and black people in their territories with wild nature and passion, just as they feared that women outside the domestic realm were wanton and avaricious. They defined moral, civilized republican life in opposition to this backward-looking, uncultivated desire that they identified with women and nonwhites.⁸ A similar logic of exclusion operated in Europe, where Jews were particular targets.⁹

These republican exclusions were not accidental, nor were they inconsistent with the ideal of universal citizenship as understood by these theorists. They were a direct consequence of a dichotomy between public and private that defined the public as a realm of generality in which all particularities are left behind, and defined the private as the particular, the realm of affectivity, affiliation, need, and the body. As long as that dichotomy is in place, the inclusion of the formerly excluded in the definition of citizenship—women, workers, Jews, blacks, Asians, Indians, Mexicans—imposes a homogeneity that suppresses group differences in the public and in practice forces the formerly excluded groups to be measured according to norms derived from and defined by privileged groups.

Contemporary critics of interest group liberalism who call for a renewed public life certainly do not intend to exclude any adult persons or groups from citizenship. They are democrats, convinced that only the inclusion and participation of all citizens in political life will make for wise and fair decisions and a polity that enhances rather than inhibits the capacities of its citizens and their relations with one another. The

8. See Ronald Takaki, *Iron Cages: Race and Culture in 19th Century America* (New York: Knopf, 1979). Don Herzog discusses the exclusionary prejudices of some other early American republicans; see "Some Questions for Republicans," *Political Theory* 14 (1986): 473–93.

9. George Mosse, *Nationalism and Sexuality* (New York: Fertig, 1985).

emphasis by such participatory democrats on generality and commonness, however, still threatens to suppress differences among citizens.

I shall focus on the text of Benjamin Barber, who, in his book *Strong Democracy*, produces a compelling and concrete vision of participatory democratic processes. Barber recognizes the need to safeguard a democratic public from intended or inadvertent group exclusions, though he offers no proposals for safeguarding the inclusion and participation of everyone. He also argues fiercely against contemporary political theorists who construct a model of political discourse purified of affective dimensions. Thus Barber does not fear the disruption of the generality and rationality of the public by desire and the body in the way that nineteenth-century republican theorists did. He retains, however, a conception of the civic public as defined by generality, as opposed to group affinity and particular need and interest. He makes a clear distinction between the public realm of citizenship and civic activity, on the one hand, and a private realm of particular identities, roles, affiliations, and interests on the other. Citizenship by no means exhausts people's social identities, but it takes moral priority over all social activities in a strong democracy. The pursuit of particular interests, the pressing of the claims of particular groups, all must take place within a framework of community and common vision established by the public realm. Thus Barber's vision of participatory democracy continues to rely on an opposition between the public sphere of a general interest and a private sphere of particular interest and affiliation.¹⁰

While recognizing the need for majority rule procedures and means of safeguarding minority rights, Barber asserts that "the strong democrat regrets every division and regards the existence of majorities as a sign that mutualism has failed" (p. 207). A community of citizens, he says, "owes the character of its existence to what its constituent members have in common" (p. 232), and this entails transcending the order of individual needs and wants to recognize that "we are a moral body whose existence depends on the common ordering of individual needs and wants into a single vision of the future in which all can share" (p. 224). This common vision is not imposed on individuals from above, however, but is forged by them in talking and working together. Barber's models of such common projects, however, reveal his latent biases: "Like players on a team or soldiers at war, those who practice a common politics may come to feel ties that they never felt before they commenced their common activity. This sort of bonding, which emphasizes common procedures, common work, and a shared sense of what a community needs to succeed, rather than monolithic purposes and ends, serves strong democracy most successfully" (p. 244).

The attempt to realize an ideal of universal citizenship that finds the public embodying generality as opposed to particularity, commonness versus difference, will tend to exclude or to put at a disadvantage some

10. Barber, chaps. 8 and 9. Future page references in parentheses are to this book.

groups, even when they have formally equal citizenship status. The idea of the public as universal and the concomitant identification of particularity with privacy makes homogeneity a requirement of public participation. In exercising their citizenship, all citizens should assume the same impartial, general point of view transcending all particular interests, perspectives, and experiences.

But such an impartial general perspective is a myth.¹¹ People necessarily and properly consider public issues in terms influenced by their situated experience and perception of social relations. Different social groups have different needs, cultures, histories, experiences, and perceptions of social relations which influence their interpretation of the meaning and consequences of policy proposals and influence the form of their political reasoning. These differences in political interpretation are not merely or even primarily a result of differing or conflicting interests, for groups have differing interpretations even when they seek to promote justice and not merely their own self-regarding ends. In a society where some groups are privileged while others are oppressed, insisting that as citizens persons should leave behind their particular affiliations and experiences to adopt a general point of view serves only to reinforce that privilege; for the perspectives and interests of the privileged will tend to dominate this unified public, marginalizing or silencing those of other groups.

Barber asserts that responsible citizenship requires transcending particular affiliations, commitments, and needs, because a public cannot function if its members are concerned only with their private interests. Here he makes an important confusion between plurality and privatization. The interest group pluralism that he and others criticize indeed institutionalizes and encourages an egoistic, self-regarding view of the political process, one that sees parties entering the political competition for scarce goods and privileges only in order to maximize their own gain, and therefore they need not listen to or respond to the claims of others who have their own point of view. The processes and often the outcomes of interest group bargaining, moreover, take place largely in private; they are neither revealed nor discussed in a forum that genuinely involves all those potentially affected by decisions.

Privacy in this sense of private bargaining for the sake of private gain is quite different from plurality, in the sense of the differing group experiences, affiliations, and commitments that operate in any large society. It is possible for persons to maintain their group identity and to be influenced by their perceptions of social events derived from their group-specific experience, and at the same time to be public spirited, in the

11. I have developed this account more thoroughly in my paper, Iris Marion Young, "Impartiality and the Civic Public: Some Implications of Feminist Critiques of Moral and Political Theory," in *Feminism as Critique*, ed. S. Benhabib and D. Cornell (Oxford: Polity Press, 1987), pp. 56–76.

sense of being open to listening to the claims of others and not being concerned for their own gain alone. It is possible and necessary for people to take a critical distance from their own immediate desires and gut reactions in order to discuss public proposals. Doing so, however, cannot require that citizens abandon their particular affiliations, experiences, and social location. As I will discuss in the next section, having the voices of particular group perspectives other than one's own explicitly represented in public discussion best fosters the maintenance of such critical distance without the pretense of impartiality.

A repoliticization of public life should not require the creation of a unified public realm in which citizens leave behind their particular group affiliations, histories, and needs to discuss a general interest or common good. Such a desire for unity suppresses but does not eliminate differences and tends to exclude some perspectives from the public.¹² Instead of a universal citizenship in the sense of this generality, we need a group differentiated citizenship and a heterogeneous public. In a heterogeneous public, differences are publicly recognized and acknowledged as irreducible, by which I mean that persons from one perspective or history can never completely understand and adopt the point of view of those with other group-based perspectives and histories. Yet commitment to the need and desire to decide together the society's policies fosters communication across those differences.

II. DIFFERENTIATED CITIZENSHIP AS GROUP REPRESENTATION

In her study of the functioning of a New England Town Meeting government, Jane Mansbridge discusses how women, blacks, working-class people, and poor people tend to participate less and have their interests represented less than whites, middle-class professionals, and men. Even though all citizens have the right to participate in the decision-making process, the experience and perspectives of some groups tend to be silenced for many reasons. White middle-class men assume authority more than others and they are more practiced at speaking persuasively; mothers and old people often find it more difficult than others to get to meetings.¹³ Amy Gutmann also discusses how participatory democratic structures tend to silence disadvantaged groups. She offers the example of community control of schools, where increased democracy led to increased segregation in many cities because the more privileged and articulate whites were able to promote their perceived interests against blacks' just demand for equal treatment in an integrated system.¹⁴ Such cases indicate that when participatory democratic structures define citi-

12. On feminism and participatory democracy, see Pateman.

13. Jane Mansbridge, *Beyond Adversarial Democracy* (New York: Basic Books, 1980).

14. Amy Gutmann, *Liberal Equality* (Cambridge: Cambridge University Press, 1980), pp. 191–202.

zanship in universalistic and unified terms, they tend to reproduce existing group oppression.

Gutmann argues that such oppressive consequences of democratization imply that social and economic equality must be achieved before political equality can be instituted. I cannot quarrel with the value of social and economic equality, but I think its achievement depends on increasing political equality as much as the achievement of political equality depends on increasing social and economic equality. If we are not to be forced to trace a utopian circle, we need to solve now the “paradox of democracy” by which social power makes some citizens more equal than others, and equality of citizenship makes some people more powerful citizens. That solution lies at least in part in providing institutionalized means for the explicit recognition and representation of oppressed groups. Before discussing principles and practices involved in such a solution, however, it is necessary to say something about what a group is and when a group is oppressed.

The concept of a social group has become politically important because recent emancipatory and leftist social movements have mobilized around group identity rather than exclusively class or economic interests. In many cases such mobilization has consisted in embracing and positively defining a despised or devalued ethnic or racial identity. In the women’s movement, gay rights movement, or elders’ movements, differential social status based on age, sexuality, physical capacity, or the division of labor has been taken up as a positive group identity for political mobilization.

I shall not attempt to define a social group here, but I shall point to several marks which distinguish a social group from other collectivities of people. A social group involves first of all an affinity with other persons by which they identify with one another, and by which other people identify them. A person’s particular sense of history, understanding of social relations and personal possibilities, her or his mode of reasoning, values, and expressive styles are constituted at least partly by her or his group identity. Many group definitions come from the outside, from other groups that label and stereotype certain people. In such circumstances the despised group members often find their affinity in their oppression. The concept of social group must be distinguished from two concepts with which it might be confused: aggregate and association.

An aggregate is any classification of persons according to some attribute. Persons can be aggregated according to any number of attributes, all of them equally arbitrary—eye color, the make of car we drive, the street we live on. At times the groups that have emotional and social salience in our society are interpreted as aggregates, as arbitrary classifications of persons according to attributes of skin color, genitals, or years lived. A social group, however, is not defined primarily by a set of shared attributes, but by the sense of identity that people have. What defines black Americans as a social group is not primarily their skin color; this is exemplified by the fact that some persons whose skin color is fairly

light, for example, identify as black. Though sometimes objective attributes are a necessary condition for classifying oneself or others as a member of a certain social group, it is the identification of certain persons with a social status, a common history that social status produces, and a self-identification that defines the group as a group.

Political and social theorists tend more often to elide social groups with associations rather than aggregates. By an association I mean a collectivity of persons who come together voluntarily—such as a club, corporation, political party, church, college, union, lobbying organization, or interest group. An individualist contract model of society applies to associations but not to groups. Individuals constitute associations; they come together as already formed persons and set them up, establishing rules, positions, and offices.

Since one joins an association, even if membership in it fundamentally affects one's life, one does not take that association membership to define one's very identity in the way, for example, being Navajo might. Group affinity, on the other hand, has the character of what Heidegger calls "thrownness": one finds oneself as a member of a group, whose existence and relations one experiences as always already having been. For a person's identity is defined in relation to how others identify him or her, and others do so in terms of groups which always already have specific attributes, stereotypes, and norms associated with them, in reference to which a person's identity will be formed. From the thrownness of group affinity it does not follow that one cannot leave groups and enter new ones. Many women become lesbian after identifying as heterosexual, and anyone who lives long enough becomes old. These cases illustrate thrownness precisely in that such changes in group affinity are experienced as a transformation in one's identity.

A social group should not be understood as an essence or nature with a specific set of common attributes. Instead, group identity should be understood in relational terms. Social processes generate groups by creating relational differentiations, situations of clustering and affective bonding in which people feel affinity for other people. Sometimes groups define themselves by despising or excluding others whom they define as other, and whom they dominate and oppress. Although social processes of affinity and separation define groups, they do not give groups a substantive identity. There is no common nature that members of a group have.

As products of social relations, groups are fluid; they come into being and may fade away. Homosexual practices have existed in many societies and historical periods, for example, but gay male group identification exists only in the West in the twentieth century. Group identity may become salient only under specific circumstances, when in interaction with other groups. Most people in modern societies have multiple group identifications, moreover, and therefore groups themselves are not discrete unities. Every group has group differences cutting across it.

I think that group differentiation is an inevitable and desirable process in modern societies. We need not settle that question, however. I merely assume that ours is now a group differentiated society, and that it will continue to be so for some time to come. Our political problem is that some of our groups are privileged and others are oppressed.

But what is oppression? In another place I give a fuller account of the concept of oppression.¹⁵ Briefly, a group is oppressed when one or more of the following conditions occurs to all or a large portion of its members: (1) the benefits of their work or energy go to others without those others reciprocally benefiting them (exploitation); (2) they are excluded from participation in major social activities, which in our society means primarily a workplace (marginalization); (3) they live and work under the authority of others, and have little work autonomy and authority over others themselves (powerlessness); (4) as a group they are stereotyped at the same time that their experience and situation is invisible in the society in general, and they have little opportunity and little audience for the expression of their experience and perspective on social events (cultural imperialism); (5) group members suffer random violence and harassment motivated by group hatred or fear. In the United States today at least the following groups are oppressed in one or more of these ways: women, blacks, Native Americans, Chicanos, Puerto Ricans and other Spanish-speaking Americans, Asian Americans, gay men, lesbians, working-class people, poor people, old people, and mentally and physically disabled people.

Perhaps in some utopian future there will be a society without group oppression and disadvantage. We cannot develop political principles by starting with the assumption of a completely just society, however, but must begin from within the general historical and social conditions in which we exist. This means that we must develop participatory democratic theory not on the assumption of an undifferentiated humanity, but rather on the assumption that there are group differences and that some groups are actually or potentially oppressed or disadvantaged.

I assert, then, the following principle: a democratic public, however that is constituted, should provide mechanisms for the effective representation and recognition of the distinct voices and perspectives of those of its constituent groups that are oppressed or disadvantaged within it. Such group representation implies institutional mechanisms and public resources supporting three activities: (1) self-organization of group members so that they gain a sense of collective empowerment and a reflective understanding of their collective experience and interests in the context of the society; (2) voicing a group's analysis of how social policy proposals affect them, and generating policy proposals themselves, in institutionalized contexts where decision makers are obliged to show that they have taken

15. See Iris Marion Young, "Five Faces of Oppression," *Philosophical Forum* (1988), in press.

these perspectives into consideration; (3) having veto power regarding specific policies that affect a group directly, for example, reproductive rights for women, or use of reservation lands for Native Americans.

The principles call for specific representation only for oppressed or disadvantaged groups, because privileged groups already are represented. Thus the principle would not apply in a society entirely without oppression. I do not regard the principle as merely provisional, or instrumental, however, because I believe that group difference in modern complex societies is both inevitable and desirable, and that wherever there is group difference, disadvantage or oppression always looms as a possibility. Thus a society should always be committed to representation for oppressed or disadvantaged groups and ready to implement such representation when it appears. These considerations are rather academic in our own context, however, since we live in a society with deep group oppressions the complete elimination of which is only a remote possibility.

Social and economic privilege means, among other things, that the groups which have it behave as though they have a right to speak and be heard, that others treat them as though they have that right, and that they have the material, personal, and organizational resources that enable them to speak and be heard in public. The privileged are usually not inclined to protect and further the interests of the oppressed partly because their social position prevents them from understanding those interests, and partly because to some degree their privilege depends on the continued oppression of others. So a major reason for explicit representation of oppressed groups in discussion and decision making is to undermine oppression. Such group representation also exposes in public the specificity of the assumptions and experience of the privileged. For unless confronted with different perspectives on social relations and events, different values and language, most people tend to assert their own perspective as universal.

Theorists and politicians extol the virtues of citizenship because through public participation persons are called on to transcend merely self-centered motivation and acknowledge their dependence on and responsibility to others. The responsible citizen is concerned not merely with interests but with justice, with acknowledging that each other person's interest and point of view is as good as his or her own, and that the needs and interests of everyone must be voiced and be heard by the others, who must acknowledge, respect, and address those needs and interests. The problem of universality has occurred when this responsibility has been interpreted as transcendence into a general perspective.

I have argued that defining citizenship as generality avoids and obscures this requirement that all experiences, needs, and perspectives on social events have a voice and are respected. A general perspective does not exist which all persons can adopt and from which all experiences and perspectives can be understood and taken into account. The existence of social groups implies different, though not necessarily exclusive, histories,

experiences, and perspectives on social life that people have, and it implies that they do not entirely understand the experience of other groups. No one can claim to speak in the general interest, because no one of the groups can speak for another, and certainly no one can speak for them all. Thus the only way to have all group experience and social perspectives voiced, heard, and taken account of is to have them specifically represented in the public.

Group representation is the best means to promote just outcomes to democratic decision-making processes. The argument for this claim relies on Habermas's conception of communicative ethics. In the absence of a Philosopher King who reads transcendent normative verities, the only ground for a claim that a policy or decision is just is that it has been arrived at by a public which has truly promoted free expression of all needs and points of view. In his formulation of a communicative ethic, Habermas retains inappropriately an appeal to a universal or impartial point of view from which claims in a public should be addressed. A communicative ethic that does not merely articulate a hypothetical public that would justify decisions, but proposes actual conditions tending to promote just outcomes of decision-making processes, should promote conditions for the expression of the concrete needs of all individuals in their particularity.¹⁶ The concreteness of individual lives, their needs and interests, and their perception of the needs and interests of others, I have argued, are structured partly through group-based experience and identity. Thus full and free expression of concrete needs and interests under social circumstances where some groups are silenced or marginalized requires that they have a specific voice in deliberation and decision making.

The introduction of such differentiation and particularity into democratic procedures does not encourage the expression of narrow self-interest; indeed, group representation is the best antidote to self-deceiving self-interest masked as an impartial or general interest. In a democratically structured public where social inequality is mitigated through group representation, individuals or groups cannot simply assert that they want something; they must say that justice requires or allows that they have it. Group representation provides the opportunity for some to express their needs or interests who would not likely be heard without that representation. At the same time, the test of whether a claim on the public is just, or a mere expression of self-interest, is best made when persons making it must confront the opinion of others who have explicitly different, though not necessarily conflicting, experiences, priorities, and needs. As a person of social privilege, I am not likely to go outside of myself and have a regard for social justice unless I am forced to listen to the voice of those my privilege tends to silence.

16. Jürgen Habermas, *Reason and the Rationalization of Society* (Boston: Beacon, 1983), pt. 3. For criticism of Habermas as retaining too universalist a conception of communicative action, see Seyla Benhabib, *Critique, Norm and Utopia* (New York: Columbia University Press, 1986); and Young, "Impartiality and the Civic Public."

Group representation best institutionalizes fairness under circumstances of social oppression and domination. But group representation also maximizes knowledge expressed in discussion, and thus promotes practical wisdom. Group differences not only involve different needs, interests, and goals, but probably more important different social locations and experiences from which social facts and policies are understood. Members of different social groups are likely to know different things about the structure of social relations and the potential and actual effects of social policies. Because of their history, their group-specific values or modes of expression, their relationship to other groups, the kind of work they do, and so on, different groups have different ways of understanding the meaning of social events, which can contribute to the others' understanding if expressed and heard.

Emancipatory social movements in recent years have developed some political practices committed to the idea of a heterogeneous public, and they have at least partly or temporarily instituted such publics. Some political organizations, unions, and feminist groups have formal caucuses for groups (such as blacks, Latinos, women, gay men and lesbians, and disabled or old people) whose perspectives might be silenced without them. Frequently these organizations have procedures for caucus voice in organization discussion and caucus representation in decision making, and some organizations also require representation of members of specific groups in leadership bodies. Under the influence of these social movements asserting group difference, during some years even the Democratic party, at both national and state levels, has instituted delegate rules that include provisions for group representation.

Though its realization is far from assured, the ideal of a "rainbow coalition" expresses such a heterogeneous public with forms of group representation. The traditional form of coalition corresponds to the idea of a unified public that transcends particular differences of experience and concern. In traditional coalitions, diverse groups work together for ends which they agree interest or affect them all in a similar way, and they generally agree that the differences of perspective, interests, or opinion among them will not surface in the public statements and actions of the coalition. In a rainbow coalition, by contrast, each of the constituent groups affirms the presence of the others and affirms the specificity of its experience and perspective on social issues.¹⁷ In the rainbow public, blacks do not simply tolerate the participation of gays, labor activists do

17. The Mel King for mayor campaign organization exhibited the promise of such group representation in practice, which was only partially and haltingly realized; see special double issue of *Radical America* 17, no. 6, and 18, no. 1 (1984). Sheila Collins discusses how the idea of a rainbow coalition challenges traditional American political assumptions of a "melting pot," and she shows how lack of coordination between the national level rainbow departments and the grassroots campaign committees prevented the 1984 Jackson campaign from realizing the promise of group representation; see *The Rainbow Challenge: The Jackson Campaign and the Future of U.S. Politics* (New York: Monthly Review Press, 1986).

not grudgingly work alongside peace movement veterans, and none of these paternalistically allow feminist participation. Ideally, a rainbow coalition affirms the presence and supports the claims of each of the oppressed groups or political movements constituting it, and it arrives at a political program not by voicing some “principles of unity” that hide differences but rather by allowing each constituency to analyze economic and social issues from the perspective of its experience. This implies that each group maintains autonomy in relating to its constituency, and that decision-making bodies and procedures provide for group representation.

To the degree that there are heterogeneous publics operating according to the principles of group representation in contemporary politics, they exist only in organizations and movements resisting the majority politics. Nevertheless, in principle participatory democracy entails commitment to institutions of a heterogeneous public in all spheres of democratic decision making. Until and unless group oppression or disadvantages are eliminated, political publics, including democratized workplaces and government decision-making bodies, should include the specific representation of those oppressed groups, through which those groups express their specific understanding of the issues before the public and register a group-based vote. Such structures of group representation should not replace structures of regional or party representation but should exist alongside them.

Implementing principles of group representation in national politics in the United States, or in restructured democratic publics within particular institutions such as factories, offices, universities, churches, and social service agencies, would require creative thinking and flexibility. There are no models to follow. European models of consociational democratic institutions, for example, cannot be taken outside of the contexts in which they have evolved, and even within them they do not operate in a very democratic fashion. Reports of experiments with publicly institutionalized self-organization among women, indigenous peoples, workers, peasants, and students in contemporary Nicaragua offer an example closer to the conception I am advocating.¹⁸

The principle of group representation calls for such structures of representation for oppressed or disadvantaged groups. But what groups deserve representation? Clear candidates for group representation in policy making in the United States are women, blacks, Native Americans, old people, poor people, disabled people, gay men and lesbians, Spanish-speaking Americans, young people, and nonprofessional workers. But it may not be necessary to ensure specific representation of all these groups in all public contexts and in all policy discussions. Representation should be designated whenever the group’s history and social situation provide a particular perspective on the issues, when the interests of its

18. See Gary Ruchwarger, *People in Power: Forging a Grassroots Democracy in Nicaragua* (Hadley, Mass.: Bergin & Garvey, 1985).

members are specifically affected, and when its perceptions and interests are not likely to receive expression without that representation.

An origin problem emerges in proposing a principle such as this, which no philosophical argument can solve. To implement this principle a public must be constituted to decide which groups deserve specific representation in decision-making procedures. What are the principles guiding the composition of such a "constitutional convention"? Who should decide what groups should receive representation, and by what procedures should this decision take place? No program or set of principles can found a politics, because politics is always a process in which we are already engaged; principles can be appealed to in the course of political discussion, they can be accepted by a public as guiding their action. I propose a principle of group representation as a part of such potential discussion, but it cannot replace that discussion or determine its outcome.

What should be the mechanisms of group representation? Earlier I stated that the self-organization of the group is one of the aspects of a principle of group representation. Members of the group must meet together in democratic forums to discuss issues and formulate group positions and proposals. This principle of group representation should be understood as part of a larger program for democratized decision-making processes. Public life and decision-making processes should be transformed so that all citizens have significantly greater opportunities for participation in discussion and decision making. All citizens should have access to neighborhood or district assemblies where they participate in discussion and decision making. In such a more participatory democratic scheme, members of oppressed groups would also have group assemblies, which would delegate group representatives.

One might well ask how the idea of a heterogeneous public which encourages self-organization of groups and structures of group representation in decision making is different from the interest group pluralism criticism which I endorsed earlier in this article. First, in the heterogeneous public not any collectivity of persons that chooses to form an association counts as a candidate for group representation. Only those groups that describe the major identities and major status relationships constituting the society or particular institution, and which are oppressed or disadvantaged, deserve specific representation in a heterogeneous public. In the structures of interest group pluralism, Friends of the Whales, the National Association for the Advancement of Colored People, the National Rifle Association, and the National Freeze Campaign all have the same status, and each influences decision making to the degree that their resources and ingenuity can win out in the competition for policymakers' ears. While democratic politics must maximize freedom of the expression of opinion and interest, that is a different issue from ensuring that the perspective of all groups has a voice.

Second, in the heterogeneous public the groups represented are not defined by some particular interest or goal, or some particular political

position. Social groups are comprehensive identities and ways of life. Because of their experiences their members may have some common interests that they seek to press in the public. Their social location, however, tends to give them distinctive understandings of all aspects of the society and unique perspectives on social issues. For example, many Native Americans argue that their traditional religion and relation to land gives them a unique and important understanding of environmental problems.

Finally, interest group pluralism operates precisely to forestall the emergence of public discussion and decision making. Each interest group promotes only its specific interest as thoroughly and forcefully as it can, and it need not consider the other interests competing in the political marketplace except strategically, as potential allies or adversaries in the pursuit of its own. The rules of interest group pluralism do not require justifying one's interest as right or as compatible with social justice. A heterogeneous public, however, is a *public*, where participants discuss together the issues before them and are supposed to come to a decision that they determine as best or most just.

III. UNIVERSAL RIGHTS AND SPECIAL RIGHTS

A second aspect of the universality of citizenship is today in tension with the goal of full inclusion and participation of all groups in political and social institutions: universality in the formulation of law and policies. Modern and contemporary liberalism hold as basic the principle that the rules and policies of the state, and in contemporary liberalism also the rules of private institutions, ought to be blind to race, gender, and other group differences. The public realm of the state and law properly should express its rules in general terms that abstract from the particularities of individual and group histories, needs, and situations to recognize all persons equally and treat all citizens in the same way.

As long as political ideology and practice persisted in defining some groups as unworthy of equal citizenship status because of supposedly natural differences from white male citizens, it was important for emancipatory movements to insist that all people are the same in respect of their moral worth and deserve equal citizenship. In this context, demands for equal rights that are blind to group differences were the only sensible way to combat exclusion and degradation.

Today, however, the social consensus is that all persons are of equal moral worth and deserve equal citizenship. With the near achievement of equal rights for all groups, with the important exception of gay men and lesbians, group inequalities nevertheless remain. Under these circumstances many feminists, black liberation activists, and others struggling for the full inclusion and participation of all groups in this society's institutions and positions of power, reward, and satisfaction, argue that rights and rules that are universally formulated and thus blind to differences of race, culture, gender, age, or disability, perpetuate rather than undermine oppression.

Contemporary social movements seeking full inclusion and participation of oppressed and disadvantaged groups now find themselves faced with a dilemma of difference.¹⁹ On the one hand, they must continue to deny that there are any essential differences between men and women, whites and blacks, able-bodied and disabled people, which justify denying women, blacks, or disabled people the opportunity to do anything that others are free to do or to be included in any institution or position. On the other hand, they have found it necessary to affirm that there are often group-based differences between men and women, whites and blacks, able-bodied and disabled people that make application of a strict principle of equal treatment, especially in competition for positions, unfair because these differences put those groups at a disadvantage. For example, white middle-class men as a group are socialized into the behavioral styles of a particular kind of articulateness, coolness, and competent authoritativeness that are most rewarded in professional and managerial life. To the degree that there are group differences that disadvantage, fairness seems to call for acknowledging rather than being blind to them.

Though in many respects the law is now blind to group differences, the society is not, and some groups continue to be marked as deviant and as the other. In everyday interactions, images, and decision making, assumptions continue to be made about women, blacks, Latinos, gay men, lesbians, old people, and other marked groups, which continue to justify exclusions, avoidances, paternalism, and authoritarian treatment. Continued racist, sexist, homophobic, ageist, and ableist behaviors and institutions create particular circumstances for these groups, usually disadvantaging them in their opportunity to develop their capacities and giving them particular experiences and knowledge. Finally, in part because they have been segregated and excluded from one another, and in part because they have particular histories and traditions, there are cultural differences among social groups—differences in language, style of living, body comportment and gesture, values, and perspectives on society.

Acknowledging group difference in capacities, needs, culture, and cognitive styles poses a problem for those seeking to eliminate oppression only if difference is understood as deviance or deficiency. Such understanding presumes that some capacities, needs, culture, or cognitive styles are normal. I suggested earlier that their privilege allows dominant groups to assert their experience of and perspective on social events as impartial and objective. In a similar fashion, their privilege allows some groups to project their group-based capacities, values, and cognitive and behavioral styles as the norm to which all persons should be expected to conform. Feminists in particular have argued that most contemporary workplaces, especially the most desirable, presume a life rhythm and behavioral style typical of men, and that women are expected to accommodate to the workplace expectations that assume those norms.

19. Martha Minow, "Learning to Live with the Dilemma of Difference: Bilingual and Special Education," *Law and Contemporary Problems*, no. 48 (1985), pp. 157–211.

Where group differences in capacities, values, and behavioral or cognitive styles exist, equal treatment in the allocation of reward according to rules of merit composition will reinforce and perpetuate disadvantage. Equal treatment requires everyone to be measured according to the same norms, but in fact there are no “neutral” norms of behavior and performance. Where some groups are privileged and others oppressed, the formulation of law, policy, and the rules of private institutions tend to be biased in favor of the privileged groups, because their particular experience implicitly sets the norm. Thus where there are group differences in capacities, socialization, values, and cognitive and cultural styles, only attending to such differences can enable the inclusion and participation of all groups in political and economic institutions. This implies that instead of always formulating rights and rules in universal terms that are blind to difference, some groups sometimes deserve special rights.²⁰ In what follows, I shall review several contexts of contemporary policy debate where I argue such special rights for oppressed or disadvantaged groups are appropriate.

The issue of a right to pregnancy and maternity leave, and the right to special treatment for nursing mothers, is highly controversial among feminists today. I do not intend here to wind through the intricacies of what has become a conceptually challenging and interesting debate in legal theory. As Linda Krieger argues, the issue of rights for pregnant and birthing mothers in relation to the workplace has created a paradigm crisis for our understanding of sexual equality, because the application of a principle of equal treatment on this issue has yielded results whose effects on women are at best ambiguous and at worst detrimental.²¹

In my view an equal treatment approach on this issue is inadequate because it either implies that women do not receive any right to leave and job security when having babies, or it assimilates such guarantees under a supposedly gender neutral category of “disability.” Such assimilation is unacceptable because pregnancy and childbirth are normal conditions of normal women, they themselves count as socially necessary work, and they have unique and variable characteristics and needs.²²

20. I use the term “special rights” in much the same way as Elizabeth Wolgast, in *Equality and the Rights of Women* (Ithaca, N.Y.: Cornell University Press, 1980). Like Wolgast, I wish to distinguish a class of rights that all persons should have, general rights, and a class of rights that categories of persons should have by virtue of particular circumstances. That is, the distinction should refer only to different levels of generality, where “special” means only “specific.” Unfortunately, “special rights” tends to carry a connotation of *exceptional*, that is, specially marked and deviating from the norm. As I assert below, however, the goal is not to compensate for deficiencies in order to help people be “normal,” but to denormalize, so that in certain contexts and at certain levels of abstraction everyone has “special” rights.

21. Linda J. Krieger, “Through a Glass Darkly: Paradigms of Equality and the Search for a Women’s Jurisprudence,” *Hypatia: A Journal of Feminist Philosophy* 2 (1987): 45–62. Deborah Rhode provides an excellent synopsis of the dilemmas involved in this pregnancy debate in feminist legal theory in “Justice and Gender” (typescript), chap. 9.

22. See Ann Scales, “Towards a Feminist Jurisprudence,” *Indiana Law Journal* 56 (1980): 375–444. Christine Littleton provides a very good analysis of the feminist debate

Assimilating pregnancy into disability gives a negative meaning to these processes as “unhealthy.” It suggests, moreover, that the primary or only reason that a woman has a right to leave and job security is that she is physically unable to work at her job, or that doing so would be more difficult than when she is not pregnant and recovering from childbirth. While these are important reasons, depending on the individual woman, another reason is that she ought to have the time to establish breast-feeding and develop a relationship and routine with her child, if she chooses.

The pregnancy leave debate has been heated and extensive because both feminists and nonfeminists tend to think of biological sex difference as the most fundamental and irradicable difference. When difference slides into deviance, stigma, and disadvantage, this impression can engender the fear that sexual equality is not attainable. I think it is important to emphasize that reproduction is by no means the only context in which issues of same versus different treatment arise. It is not even the only context where it arises for issues involving bodily difference. The last twenty years have seen significant success in winning special rights for persons with physical and mental disabilities. Here is a clear case where promoting equality in participation and inclusion requires attending to the particular needs of different groups.

Another bodily difference which has not been as widely discussed in law and policy literature, but should be, is age. With increasing numbers of willing and able old people marginalized in our society, the issue of mandatory retirement has been increasingly discussed. This discussion has been muted because serious consideration of working rights for all people able and willing to work implies major restructuring of the allocation of labor in an economy with already socially volatile levels of unemployment. Forcing people out of their workplaces solely on account of their age is arbitrary and unjust. Yet I think it is also unjust to require old people to work on the same terms as younger people. Old people should have different working rights. When they reach a certain age they should be allowed to retire and receive income benefits. If they wish to continue working, they should be allowed more flexible and part-time schedules than most workers currently have.

Each of these cases of special rights in the workplace—pregnancy and birthing, physical disability, and being old—has its own purposes and structures. They all challenge, however, the same paradigm of the “normal, healthy” worker and “typical work situation.” In each case the circumstance that calls for different treatment should not be understood as lodged in the differently treated workers, per se, but in their interaction

about equal vs. different treatment regarding pregnancy and childbirth, among other legal issues for women, in “Reconstructing Sexual Equality,” *California Law Review* 25 (1987): 1279–1337. Littleton suggests, as I have stated above, that only the dominant male conception of work keeps pregnancy and birthing from being conceived of as work.

with the structure and norms of the workplace. Even in cases such as these, that is, difference does not have its source in natural, unalterable, biological attributes, but in the relationship of bodies to conventional rules and practices. In each case the political claim for special rights emerges not from a need to compensate for an inferiority, as some would interpret it, but from a positive assertion of specificity in different forms of life.²³

Issues of difference arise for law and policy not only regarding bodily being, but just as importantly for cultural integrity and invisibility. By culture I mean group-specific phenomena of behavior, temperament, or meaning. Cultural differences include phenomena of language, speaking style or dialectic, body comportment, gesture, social practices, values, group-specific socialization, and so on. To the degree that groups are culturally different, however, equal treatment in many issues of social policy is unjust because it denies these cultural differences or makes them a liability. There are a vast number of issues where fairness involves attention to cultural differences and their effects, but I shall briefly discuss three: affirmative action, comparable worth, and bilingual, bicultural education and service.

Whether they involve quotas or not, affirmative action programs violate a principle of equal treatment because they are race or gender conscious in setting criteria for school admissions, jobs, or promotions. These policies are usually defended in one of two ways. Giving preference to race or gender is understood either as just compensation for groups that have suffered discrimination in the past, or as compensation for the present disadvantage these groups suffer because of that history of discrimination and exclusion.²⁴ I do not wish to quarrel with either of these justifications for the differential treatment based on race or gender implied by affirmative action policies. I want to suggest that in addition we can understand affirmative action policies as compensating for the cultural biases of standards and evaluators used by the schools or employers. These standards and evaluators reflect at least to some degree the specific life and cultural experience of dominant groups—whites, Anglos, or men. In a group-differentiated society, moreover, the development of truly neutral standards and evaluations is difficult or impossible, because female, black, or Latino cultural experience and the dominant cultures are in many respects not reducible to a common measure. Thus affirmative action policies compensate for the dominance of one set of cultural at-

23. Littleton suggests that difference should be understood not as a characteristic of particular sorts of people, but of the interaction of particular sorts of people with specific institutional structures. Minow expresses a similar point by saying that difference should be understood as a function of the relationship among groups, rather than located in attributes of a particular group.

24. For one among many discussions of such “backward looking” and “forward looking” arguments, see Bernard Boxill, *Blacks and Social Justice* (Totowa, N.J.: Rowman & Allanheld, 1984), chap. 7.

tributes. Such an interpretation of affirmative action locates the “problem” that affirmative action solves partly in the understandable biases of evaluators and their standards, rather than only in specific differences of the disadvantaged group.

Although they are not a matter of different treatment as such, comparable worth policies similarly claim to challenge cultural biases in traditional evaluation in the worth of female-dominated occupations, and in doing so require attending to differences. Schemes of equal pay for work of comparable worth require that predominantly male and predominantly female jobs have similar wage structures if they involve similar degrees of skill, difficulty, stress, and so on. The problem in implementing these policies, of course, lies in designing methods of comparing the jobs, which often are very different. Most schemes of comparison choose to minimize sex differences by using supposedly gender-neutral criteria, such as educational attainment, speed of work, whether it involves manipulation of symbols, decision making, and so on. Some writers have suggested, however, that standard classifications of job traits may be systematically biased to keep specific kinds of tasks involved in many female-dominated occupations hidden.²⁵ Many female-dominated occupations involve gender-specific kinds of labor—such as nurturing, smoothing over social relations, or the exhibition of sexuality—which most task observation ignores.²⁶ A fair assessment of the skills and complexity of many female-dominated jobs may therefore involve paying explicit attention to gender differences in kinds of jobs rather than applying gender-blind categories of comparison.

Finally, linguistic and cultural minorities ought to have the right to maintain their language and culture and at the same time be entitled to all the benefits of citizenship, as well as valuable education and career opportunities. This right implies a positive obligation on the part of governments and other public bodies to print documents and to provide services in the native language of recognized linguistic minorities, and to provide bilingual instruction in schools. Cultural assimilation should not be a condition of full social participation, because it requires a person to transform his or her sense of identity, and when it is realized on a group level it means altering or annihilating the group’s identity. This principle does not apply to any persons who do not identify with majority language or culture within a society, but only to sizeable linguistic or cultural minorities living in distinct though not necessarily segregated

25. See R. W. Beatty and J. R. Beatty, “Some Problems with Contemporary Job Evaluation Systems,” and Ronnie Steinberg, “A Want of Harmony: Perspectives on Wage Discrimination and Comparable Worth,” both in *Comparable Worth and Wage Discrimination: Technical Possibilities and Political Realities*, ed. Helen Remick (Philadelphia: Temple University Press, 1981); D. J. Treiman and H. I. Hartmann, eds., *Women, Work and Wages* (Washington, D.C.: National Academy Press, 1981), p. 81.

26. David Alexander, “Gendered Job Traits and Women’s Occupations” (Ph.D. diss., University of Massachusetts, Department of Economics, 1987).

communities. In the United States, then, special rights for cultural minorities applies at least to Spanish-speaking Americans and Native Americans.

The universalist finds a contradiction in asserting both that formerly segregated groups have a right to inclusion and that these groups have a right to different treatment. There is no contradiction here, however, if attending to difference is necessary in order to make participation and inclusion possible. Groups with different circumstances or forms of life should be able to participate together in public institutions without shedding their distinct identities or suffering disadvantage because of them. The goal is not to give special compensation to the deviant until they achieve normality, but rather to denormalize the way institutions formulate their rules by revealing the plural circumstances and needs that exist, or ought to exist, within them.

Many opponents of oppression and privilege are wary of claims for special rights because they fear a restoration of special classifications that can justify exclusion and stigmatization of the specially marked groups. Such fear has been particularly pronounced among feminists who oppose affirming sexual and gender difference in law and policy. It would be foolish for me to deny that this fear has some significant basis.

Such fear is founded, however, on accession to traditional identification of group difference with deviance, stigma, and inequality. Contemporary movements of oppressed groups, however, assert a positive meaning to group difference, by which a group claims its identity as a group and rejects the stereotypes and labeling by which others mark it as inferior or inhuman. These social movements engage the meaning of difference itself as a terrain of political struggle, rather than leave difference to be used to justify exclusion and subordination. Supporting policies and rules that attend to group difference in order to undermine oppression and disadvantage is, in my opinion, a part of that struggle.

Fear of claims to special rights points to a connection of the principle of group representation with the principle of attending to difference in policy. The primary means of defense from the use of special rights to oppress or exclude groups is the self-organization and representation of those groups. If oppressed and disadvantaged groups are able to discuss among themselves what procedures and policies they judge will best further their social and political equality, and have access to mechanisms to make their judgments known to the larger public, then policies that attend to difference are less likely to be used against them than for them. If they have the institutionalized right to veto policy proposals that directly affect them, and them primarily, moreover, such danger is further reduced.

In this article I have distinguished three meanings of universality that have usually been collapsed in discussions of the universality of citizenship and the public realm. Modern politics properly promotes the universality of citizenship in the sense of the inclusion and participation of everyone in public life and democratic processes. The realization of

genuinely universal citizenship in this sense today is impeded rather than furthered by the commonly held conviction that when they exercise their citizenship, persons should adopt a universal point of view and leave behind the perceptions they derive from their particular experience and social position. The full inclusion and participation of all in law and public life is also sometimes impeded by formulating laws and rules in universal terms that apply to all citizens in the same way.

In response to these arguments, some people have suggested to me that such challenges to the ideal of universal citizenship threaten to leave no basis for rational normative appeals. Normative reason, it is suggested, entails universality in a Kantian sense: when a person claims that something is good or right he or she is claiming that everyone in principle could consistently make that claim, and that everyone should accept it. This refers to a fourth meaning of universality, more epistemological than political. There may indeed be grounds for questioning a Kantian-based theory of the universality of normative reason, but this is a different issue from the substantive political issues I have addressed here, and the arguments in this paper neither imply nor exclude such a possibility. In any case, I do not believe that challenging the ideal of a unified public or the claim that rules should always be formally universal subverts the possibility of making rational normative claims.