



CRITICAL PERSPECTIVES ARTICLE

Moving beyond “Contingent”: Descriptive Representation by and for Indigenous Peoples

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When Jane Mansbridge’s (1999) article was first submitted, more than 80% of the world’s parliaments featured less than 20% women (IPU 2015). Calculating the parliamentary presence of ethnic and cultural minorities and Indigenous peoples has proved more difficult (Protsyk 2010). This is despite the adoption of two United Nations Declarations, on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992) and on the Rights of Indigenous Peoples in 2007. In Aotearoa New Zealand, the representation of women and Māori (the Indigenous peoples) was comparatively better than global averages. In 1996, 29% of parliamentarians were women and 14% were Māori. By 2020, these figures had increased to 48% and 21%, respectively, while in the cabinet, women made up 40% of ministers and Māori accounted for 25%. Reported as the country’s historically most diverse parliament and cabinet (Curtin 2020), it appears that both new (proportional representation) and old (reserved seats for Māori) institutional mechanisms had achieved near proportionality, and a heterogeneity of experiences, potentially enhancing opportunities for deliberation.

Nevertheless, we suggest that the contexts underpinning Mansbridge’s argument for descriptive representation do not sufficiently account for the experiences of Indigenous peoples. In our analysis of the case of Aotearoa New Zealand, we present three reasons (related to institutional design, proportionality, and essentialism) why the representation of Māori by Māori is always, rather than sometimes, necessary.

First, the process of colonization, defined as the forceful taking of land, language, culture, and self-determination, has been, and continues to be, negatively impactful on Māori (Elkington and Smeaton 2020; Walker 2004). This is despite the signing of He Whakaputanga o te Rangatiratanga o Niu Tirenī (the Declaration of Independence) by 35 Northern Māori chiefs in 1835, and Te Tiriti o

Waitangi (the Treaty of Waitangi) by Māori and the Crown in 1840. However, differences in the two language versions of the latter (te reo Māori and English), as well as different motivations and cultural understandings of sovereignty, led to conflicting beliefs about what had been agreed. In the Māori text, Māori chiefs granted the Crown only the right to governorship (*kāwanatanga*), while Māori retained absolute sovereignty (*tino rangatiratanga*) over land and the right to self-determination (Mutu 2010). By contrast, the English text claimed that Māori had ceded their sovereignty to the Crown in return for protection and equal rights.

This left the British with the impression that Aotearoa New Zealand was their colony and resulted in the imposition of Westminster-derived political institutions. These included an adversarial-styled parliament, a delegate model of representation, and electoral boundaries designed initially to exclude several areas where Māori resided (Atkinson 2003). While voting rights were first extended to all males who owned or leased land of a certain value, Māori land was most often communally held, meaning that many Māori men did not meet the franchise criteria (Wilson 2009). An institutional initiative to address Māori representation came with the 1867 Māori Representation Act, which established four Māori electorates. A century later, it was argued that Māori viewed these four seats as an important concession to, and the principal expression of, their constitutional status as the Indigenous peoples of New Zealand (Royal Commission 1986, 85–86). Yet their existence has often been challenged by conservative parties, and their removal was recommended by the 1986 Royal Commission on the Electoral System if a proportional electoral system was adopted. This is not to deny that introducing institutional mechanisms to enhance microcosmic representation of Indigenous peoples is valuable. However, layering new (potentially temporary) rules over those imported and imposed on Indigenous peoples who had preexisting governing arrangements does little to deconstruct the “institutional stickiness” and harmful legacies of colonial Western democratic systems (Mutu 2018; see also Arteaga 2018).

Second, the concept of population-based proportionality could be considered problematic when applied to Indigenous peoples. In the case of Aotearoa New Zealand, when the Treaty of Waitangi was signed in 1840, there were around 90,000 Māori, while Pākehā (Europeans) numbered 2,000 (Pool and Kukutai 2018). In 1867, when the four Māori electorates were created, the Pākehā population had grown to 250,000, represented through 72 general electorates. Meanwhile, the Māori population had been reduced to 50,000, largely as a result of warfare and epidemics. Even then, the ratio of seat to population for Māori was not proportional, and the number of Māori electorates remained fixed at four for more than a century, despite proportional increases in the number of Māori.

Thus, while mathematical proportionality might be a useful way to advance the aggregative function of democracy, it is less easily applied to Indigenous peoples, whose numbers have been reduced and controlled through various rules and norms associated with colonization. Proportionality arguments can also become a means by which the majority continues to determine Indigenous representation by voting to rescind a reserved seat provision once proportionality is achieved. In Aotearoa New Zealand, Māori currently make up 17% of the

total population but hold 21% of the parliamentary seats, only seven of which are designated Māori electorates. In 2017, 23% of parliamentarians were Māori, 17% of whom were elected from party lists and general electorates, thus proportionally representing Māori as a group, independently of the reserved seats. This result could lead some to argue that the Māori electorates are no longer needed, and indeed, such claims have gained traction in the past.

The concept of proportionality also sits at odds when a treaty enshrines principles that position Māori and the Crown as being in partnership. Partnership does not necessarily mean holding 50% of parliamentary seats, but it does involve recognizing that Indigenous representation by Indigenous peoples cannot be contingent on population numbers. As Mansbridge argues, the deliberative function of representative democracy is more likely than the aggregative function to require descriptive diversity. In the case of Aotearoa New Zealand, a legislated minimum number of reserved seats for Māori ensured more than token representation. From the late nineteenth century, the Māori electorates became a pathway for educated Māori men to enter parliament. One, James Carroll, went on to win election to a general seat in 1893. However, this feat was not repeated until 1975, and a Māori woman (Sandra Lee) did not win a general seat until 1993.

That traditional political parties were slow to select Māori candidates for safe general electorate seats underscores the significance of the Māori electorates for Māori representation (the first woman to win a Māori electorate seat was Iriaka Rātana in 1949). This channel has also supported the establishment of Māori parties, the inclusion of Māori in coalition agreements and as ministers, and an increased recruitment of Māori candidates (and party leaders) by parties across the political spectrum. Although these successes are important, they are not sufficient.

Mansbridge outlines how and why some Western theorists claim a shared identity (essentialism) is a cost or a threat to unity. However, our third point is that this position privileges Western concepts of representational politics and overlooks Indigenous worldviews. For example, a Māori worldview recognizes that being Māori means more than sharing an identity or simply being a member of a social group or “subgroup.” Rather, it is about *whakapapa*, being connected through ancestry to people and places (Mead 2016).

A *whakapapa* model of identity means that having any Māori genealogical lineage makes someone Māori. There are no criteria for belonging based on physical or cultural features. While some Māori hold beliefs around who counts as an authentic group member, in terms of blood quantum, physical features, or engagement with Māori culture (Greaves, Houkamau, and Sibley 2015), the *whakapapa* model is the predominant (and decolonized) understanding of belonging. Epistemologically, *whakapapa* exists regardless of whether someone acknowledges or is aware of it, although knowledge of one’s *hapū* or *Iwi* (tribal connections) is an important part of cultural identity (Mead 2016; see also Tuhiwai Smith 2012).

Whakapapa is also an important basis for politics. The relationships between people based on *whakapapa* and knowing, creating, and building connections to other peoples and places (*whanaungatanga*) provide the basis for diplomacy,

negotiations, social interactions, and representation. Whakapapa connections create a degree of legitimacy when it comes to representing people from specific regions: Māori-electorate members of parliament often have whakapapa connections to the geographic locations they represent.

That said, many Māori also represent other interests, identities, whakapapa, and political standpoints. There are often debates about whether Māori are Māori members of parliament or members of parliament who happen to be Māori. In response, Māori scholars argue that there are different demands on Māori who hold Māori electorates around engagement and belief in Māori cultural values, *tikanga* and *kawa* (Māori customs and protocols), and *te reo Māori* (language) skills (Bargh 2021; White 2016).

Given the challenges that Indigenous representative claims present, how might Mansbridge's aspiration of substantive representation through quality deliberation be progressed? We suggest that Matike Mai Aotearoa, the Independent Working Group on Constitutional Transformation (2016), represents an example of an Indigenized, representative, Māori-led process aimed at redesigning political institutions to embed a Māori worldview and advance Indigenous aspirations and self-determination.

The Working Group's remit was to advise on constitutional transformation: "to develop and implement a model for an inclusive Constitution for Aotearoa based on *tikanga* and *kawa*, He Whakaputanga ..., Te Tiriti ..., and other indigenous human rights instruments" (Matike Mai 2016, 7). The group conducted 252 *hui* (meetings), focus groups, and one-on-one interviews and received written submissions. It recommended six possible constitutional models, four of which included separate and relational spheres (or assemblies) for Māori and the Crown. All had the values of *tikanga* Māori at their center, underpinned by a conciliatory and consensual democratic model, rather than an adversarial, majoritarian one. This Indigenized approach to representation embodies more than Mansbridge's list of fluid and enabling institutional devices.

In conclusion, our analysis reveals that deliberation and political legitimacy require the ongoing, permanent descriptive representation of Indigenous peoples. This is a necessary minimal requirement to begin to overcome the cumulative layers of substantive disadvantage that have resulted from colonization and intentionally racist or otherwise harmful institutional design. Western political thought and practice has been critiqued by feminist political scientists with considerable effect, but non-Indigenous feminist engagement with intersectional politics needs to go further and consider Indigenous reimaginings of constitutional or institutional reform when advancing arguments and strategies for intersectional substantive representation.

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