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Feminism and Multiculturalism: Some Tensions*

Susan Moller Okin

This article addresses a conflict between two political aims that are not commonly recognized as in tension with each other. Since both of the terms in my title are complex and contested concepts, they require definition before I can address how and why I perceive tensions between them. There are a multitude of feminisms, feminist theories, feminist methodologies; the term as used here means the beliefs that women should not be disadvantaged by their sex, that they should be recognized as having human dignity equally with men, and that they should have the opportunity to live as fulfilling and as freely chosen lives as men can.

'Multiculturalism' is more difficult to define, since people tend currently to use it (and the term 'culture') in quite varying ways, and sometimes in more than one way at the same time. There are two contexts in which it is most commonly found, at least within current political theory: the first is the context of education, in which the problem confronted is that what is taught as "culture"—including history, literature, philosophy, and so on—has largely left out groups such as women, people of races other than Caucasian, gays and lesbians, formerly colonized peoples, minority ethnic or religious groups, and indigenous populations. In this context, multiculturalists have claimed, with varying degrees of success, that these omissions must be rectified—both by the inclusion of works by these excluded groups and by the consideration of these groups' points of view in the interpretation of works, especially the "great books," whose authors were almost all white males. This, sometimes referred to as 'the politics of recognition' or 'identity politics', is not the kind of multiculturalism I am concerned with here.

The context of the multiculturalism I am concerned with is the wider social, economic, and political context, though still within the nation-state. Here, many have argued in recent years, groups with cultures distinct from the majority culture are not sufficiently protected by

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the individual rights of their members, and therefore need special *group* rights, in order to protect their distinct cultures, meaning “ways of life,” in such settings. Some examples of group rights so claimed are rights to guaranteed political representation, rights to public subsidies for cultural activities or education, and rights to be exempt from certain generally applicable laws.¹ In the context of this multiculturalism (which I shall from now on simply call ‘multiculturalism’), language, history, or religion—any combination of which are sometimes referred to as ‘ethnicity’—are frequent markers of distinct cultures. Some of the groups that seek such rights—indigenous native populations, minority ethnic or religious groups, and formerly colonized peoples (at least, when the latter immigrate to the former colonial state)—are the same groups that claim recognition in the first version of multiculturalism. However, those who have been discriminated against on grounds of sex or sexual orientation, though they seek such recognition, do not normally seek cultural group rights.

Sometimes, these two meanings of ‘multiculturalism’ are confused and conflated, so that quests for recognition of the first kind, by groups including straight women, gays, and lesbians, are mixed up with the latter demands for group rights.² I think this tends to confuse matters, for several reasons. Women, gays, and lesbians do not generally perceive themselves as having, and are not perceived by others as having, their own culture, at least in the sense of “ways of life,” though this might well be contested by some members of each of these groups. Certainly, such groups want their points of view taken seriously and their interests represented; but this is different from a group’s claiming protection for its distinct way of life. Second, as George Kateb has aptly put it, another difference between the two types of multicultural claims is that the claims of women, gays, and lesbians—and, I would add, members of minority racial groups—“grow out of something more real than [the other groups] and they struggle against, not in behalf of, fictions.”³ I under-

1. Jacob Levy has recently provided an excellent classification of the types of rights commonly claimed by cultural minorities within nation-states. See Levy, “Classifying Cultural Rights,” in *NOMOS XXXIX: Ethnicity and Group Rights*, ed. Ian Shapiro and Will Kymlicka (New York: New York University Press, 1997), chap. 2, pp. 22–66.

2. Charles Taylor, Amy Gutmann, and most of the other contributors to *Multiculturalism*, ed. Amy Gutmann (Princeton, N.J.: Princeton University Press, 1994), use ‘multiculturalism’ in both the ways I distinguish here, interchangeably. The same usage occurs in Yael Tamir, “Two Concepts of Multiculturalism,” *Journal of Philosophy of Education* 29 (1995): 161–72. I think this usage tends to cause confusion in these arguments, both because the relevant groups are not the same, though they overlap, and because situations that call for the recognition of previously neglected perspectives in educational curricula would seem to be distinct from (though, again, they may overlap with) situations in which the legal enforcement of group rights is justified, even when such rights conflict with or override certain individual rights.

3. George Kateb, “Notes on Pluralism,” *Social Research* (“Special Issue on Liberalism”) 61 (1994): 511–37, p. 512.

stand him to mean that they struggle against millennia of discrimination based in part on the fictions that women, or members of non-Caucasian racial groups, are naturally inferior, that homosexuality is a crime against nature, and so on. Of course, Kateb's implication that many cultural groups base their claims at least largely on fictions is controversial, but as will become apparent, I am generally in agreement with him on the issue.

In the multiculturalism I focus on here, then, what is at stake is the survival and flourishing of ways of life. As Will Kymlicka, the foremost contemporary defender of cultural group rights, says in his recent *Multicultural Citizenship*, while a shared language and history is usually prerequisite to a group's having a distinct culture, what he is concerned to protect involves more than this; "societal culture,"⁴ as he calls it, "provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing *both public and private spheres*."⁵

Different kinds of justifications are made for group rights for such cultures, when their minority status renders them in one way or another vulnerable. My discussion here is confined to arguments for group rights that are based on *liberal* grounds. Such arguments rest, first and foremost, on concern for individuals, seeing collectives such as communities and cultures as of significance only because they are essential, or at least very important, in the lives of individuals. Of course, it is much easier to make arguments for collective rights if one starts with communitarian rather than liberal premises.⁶ But there are many problems with communitarianism, not the least of which are that it has failed to enunciate a clear, positive, political theory, and that it is often vague or inconsistent both about what a "community" is and about what should happen when the claims of one level of community conflict with those of another.⁷ Liberal arguments for group rights are, therefore, more cogent; they are also more challenging and more interesting. Being based on the well-being and interests of individuals, they seem also less likely to come into conflict with feminist claims that individual women as well as individual men be accorded equal concern and respect. So if, as I shall argue, there

4. Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Oxford University Press, 1995), p. 89. Kymlicka points out that this is what Margalit and Raz call a "pervasive culture" (Avishai Margalit and Joseph Raz, "National Self-Determination," *Journal of Philosophy* 87 [1990]: 439–61).

5. Kymlicka, *Multicultural Citizenship*, p. 76; emphasis added.

6. For examples of such defenses, see Vernon Van Dyke, "The Individual, the State, and Ethnic Communities in Political Theory," *World Politics* 29 (1977): 343–69, and "Collective Entities and Moral Rights: Problems in Liberal-Democratic Thought," *Journal of Politics* 44 (1982): 21–40.

7. All three problems are still apparent in Michael Sandel's recent *Democracy's Discontent* (Cambridge, Mass.: Harvard University Press, 1996). See review by Susan Moller Okin, *American Political Science Review* 91 (1997): 440–42.

are conflicts between feminism and the liberal claims for group rights that I focus on, it is even more likely that communitarian claims for group rights will conflict with the aims of feminism.

Having said this, I turn to the interface between feminism and multiculturalism. Specifically, I shall argue that there are tensions between the two which have, so far, been insufficiently attended to by either feminists or defenders of group rights. I do not mean to suggest that all aspects of multiculturalism are, or should be, a problem for all feminist positions and projects. But I do question what is sometimes, even often, taken for granted, especially by those who consider themselves politically progressive and opposed to oppressions, wherever they occur: that feminism and multiculturalism are not only both good things, which we should support, but that there is little reason to think they might be in conflict. I want to argue, instead, that there is considerable likelihood of conflict between feminism and group rights for minority cultures, and that this conflict persists even when the latter are claimed on liberal grounds, and are limited to some extent by being so grounded.

First, though, I offer a few thoughts about why this conflict is not being much addressed by either multiculturalists or feminists. Two reasons why the conflict is usually not evident or addressed by multiculturalists defending group rights are the same reasons that so many problems feminists have exposed are hidden. The first is that those arguing for group rights insufficiently differentiate among those *within* a group or culture—specifically, they fail to recognize that minority cultural groups are, in this respect like the societies in which they exist, though to a greater or lesser extent, *gendered*. Some of the best liberal defenses of group rights are constituted by claims that the individual needs “a culture of his or her own” in order to develop a sense of self-esteem or self-respect, or the capacity for autonomy, meaning the capacity to decide or choose what kind of life is good for one. But, as I aim to show, any such argument needs to pay special attention to the different positions or roles that various cultures require of their various members. Thus, it cannot avoid paying attention to certain aspects of the *content* of the cultures—specifically, to their beliefs and practices concerning gender.

A second reason that multiculturalists have not confronted the tension between the group rights they argue for and feminist beliefs is that they pay no or insufficient attention to the private sphere. But this sphere is, as I shall explain, of particular importance to discussions of cultural rights. Thus just as group rights advocates cannot reasonably ignore gender, nor can they avoid examining the context in which persons’ senses of themselves and their capacities are first formed *and* in which culture is first strongly transmitted—the realm of domestic or family life. As it is, unfortunately, few participants in the group rights debate pay any attention at all to either gender roles within cultures or

the private sphere. Most liberal defenders of group rights, such as Kymlicka, are less prepared to defend the rights of groups that are themselves internally illiberal, in that they impose internal restrictions on their members or discriminate against some of them. However, as I shall argue, looking out for formal and public restrictions or discrimination is insufficient, since a great deal of culture-based gender construction and inequality occurs informally and in the most private sphere of life, that of the household. As for those who attempt to defend on liberal grounds the group rights of cultural groups that are internally illiberal, in their case the neglect of the private sphere, of the fact of childhood, and of the process of socialization creates even more problems—from both feminist and liberal points of view.

These are at least some of the reasons why defenders of group rights have neglected tensions between feminism and such rights. What, then, might be reasons feminists have neglected them? Here I think the problem arises from what I have come to view as an excessive amount of deference to differences among women on the part of some feminist scholars, coupled with what sometimes becomes a hyperconcern to avoid cultural imperialism that leads, at worst, to a paralyzing degree of cultural relativism. Neither of these tendencies is confined to *feminists* who confront the issue of cultural differences, of course. However, they are particularly crippling to feminism, because so many of the world's cultures are highly patriarchal. That this is so is confirmed by the fact that "But this is our culture" is a response so often given by male elites around the world to justify the continued infringement of women's rights.⁸

Let me make it quite clear that I am not advocating any wholesale denial or neglect by feminists of differences among women—including cultural and religious as well as racial and class differences. Clearly, some of early second-wave feminism, not to speak of earlier feminism, was highly insensitive to class, racial, religious, and other pertinent differences among women, and this neglect needed to be redressed. At times, though, the corrective action has been excessive, with the result that any generalization about women or gender inequalities is rejected as "essentialist." At worst, the attempt is sometimes made to drive feminist scholars into a position where only subjective, autobiographical narrative (if even that) is considered valid work. Thus, whatever the quality of the evidence presented or the strength of the argument made, the mere suggestion, if made by a First World feminist, that women and girls in cultures other than our own are disadvantaged or oppressed by elements of their own cultures is regarded as offensive cultural imperialism.⁹

It has become evident in recent years that these attitudes are not

8. See Susan Moller Okin, "Feminism, Women's Human Rights, and Cultural Differences," *Hypatia*, vol. 3 (1998), in press.

9. See, e.g., Jane Flax, "Race/Gender and the Ethics of Difference: A Reply to Okin's 'Gender Inequality and Cultural Differences,'" *Political Theory* 23 (1995): 500–510; Norma

widely shared by Third World feminists, especially Third World activist feminists. For during the very decade and a half in which a number of Western and Third World *academic* feminists have been charging others with falsely generalizing about women and gender, and have been refraining from the critique of cultural practices that oppress women in many parts of the world, Third World feminists who were working both at the grassroots level and within a multitude of nongovernmental organizations were coming to conclusions quite similar to those that have been so assaulted when put forward by First World feminists. Consider, for example, the *Program for Action* that issued from the Fourth World Conference on Women, held in Beijing in September 1995. In this document appear both general statements about the patriarchal structures, in both public and private spheres, that are "integral to the problems facing women" around the world, and an unprecedentedly strong statement against "cultural" justifications for violating women's rights. It reads, "While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms."¹⁰ Further on, the document specifies: "Any harmful aspect of certain traditional, customary or modern practices that violates the rights of women should be prohibited and eliminated."¹¹ Clearly, thousands of Third World activists for women's rights are saying: "We want to be rid of these cultural excuses for women's oppression that have plagued us so long." If it was not clear earlier, surely it is now clear that both focusing only on differences among women and bending over backward out of respect for cultural diversity does great disservice to many women and girls around the world.

Culture and gender are complexly interrelated, in ways that make gender inequality more than just one among the many forms of culturally mandated inequality that might conflict with liberal multiculturalism. Two connections between them are especially important, since they make gender inequality a particularly insidious feature of most existing cultures. These connections seem obvious but, since they get little attention in the literature about multiculturalism, I have to assume that they are still controversial. One of the most crucial focuses of most cultures,

Claire Moruzzi, "A Problem with Headscarves: Contemporary Complexities of Political and Social Identity," *Political Theory* 22 (1994): 653-72; also the four references to clitoridectomy in Chandra Mohanty, Ann Russo, and Lourdes Torres, eds., *Third World Women and the Politics of Feminism* (Bloomington: Indiana University Press, 1991), all of which consist of critiques of Western feminists for opposing the practice. I address this issue at greater length in "Feminism, Women's Human Rights, and Cultural Differences."

10. *Covenant for the New Millennium: The Beijing Declaration and Platform for Action* (Santa Rosa, Calif.: Free Hand Books, 1996), pp. 9-10.

11. *Ibid.*, p. 112.

and therefore one of the things cultural practices and rules are most concerned with, is the whole sphere of personal, sexual, and reproductive life. In many cases the realm of law that religious or cultural minorities are most concerned to control is “personal law”—the laws of marriage, divorce, child custody, division and control of family property, and inheritance.¹² This means that, in most existing contexts, the defense of “cultural practices” is likely to have much more impact on the lives of women and girls than on those of men and boys. I have yet to see—though I am much looking forward to seeing—the culture in which as much of men’s time and energy as women’s goes into preserving and maintaining the personal, familial, and reproductive side of life. In turn, how responsibilities and tasks are assigned within homes has a major impact on who can participate in and influence the more public parts of the cultural life, the sphere in which the decisions that regulate both public and private life are made. Obviously, the way life at home is lived is not all of what “culture” is about, but it is certainly a major focus of most cultures, majority and minority, in the world today. One very important reason for this, of course, is that home is where much of culture is practiced, preserved, and transmitted to the young.

A second reason for the great significance for cultures of the regulation of domestic life leads us into the second important interrelation between gender and culture that I want to attend to: that most cultures have as one of their principal aims the control of women by men. I cannot discuss at any length, here, why men are so preoccupied with controlling women. Suffice it to say that the uncertainty of paternity has surely contributed to it, and that I think (following Dorothy Dinnerstein, Nancy Chodorow, Walter Ong, and Jessica Benjamin) it also has a lot to do with female primary parenting.¹³ If these suggestions are right, then men’s need to control women is surely far from being an inevitable fact of human life. Rather, especially in our day and age, in which biological paternity can be determined with virtual certainty and parenting could easily be equally shared, it should be regarded as a contingent factor, and one that feminists have a considerable interest in changing.

What evidence is there that much of most cultures is about controlling women and maintaining gender roles? First, looking at cultures more familiar to most readers, the founding myths of Greek and Roman

12. See, e.g., Kirti Singh, “Obstacles to Women’s Rights in India,” in *Human Rights of Women: National and International Perspectives*, ed. Rebecca J. Cook (Philadelphia: University of Pennsylvania Press, 1994), pp. 375–96, esp. pp. 378–89.

13. Dorothy Dinnerstein, *The Mermaid and the Minotaur: Sexual Arrangements and Human Malaise* (New York: Harper & Row, 1976); Nancy Chodorow, *The Reproduction of Mothering: Psychoanalysis and the Sociology of Gender* (Berkeley: University of California Press, 1978); Walter J. Ong, *Fighting for Life* (Ithaca, N.Y.: Cornell University Press, 1981); Jessica Benjamin, *The Bonds of Love: Psychoanalysis, Feminism, and the Problem of Domination* (New York: Pantheon, 1988).

antiquity, and of all three major Western religions, Judaism, Christianity, and Islam, are rife with attempts to control women and to justify controlling them. These consist of a combination of denials of women's role in reproduction, the appropriation by men of the power to reproduce themselves, characterizations of women as overly emotional, untrustworthy, evil, or sexually dangerous, and refusals to acknowledge mothers' rights over the disposition of their children.¹⁴ Think of the Zeus/Athena myth, and of Romulus, reared without a human mother. Think of Adam, made by a male God, who then (at least according to one of the two versions of the story) made Eve out of part of Adam. Consider Eve, whose weakness led Adam astray. Think of all those endless "begats" in the Book of Genesis, where women's primary role in reproduction is completely ignored. Think of the textual justifications for polygyny, once practiced in Judaism, still practiced in many parts of the Islamic world. Consider the story of Abraham, a pivotal turning point in the development of monotheism.¹⁵ Here God commands Abraham to sacrifice his greatly loved son. Abraham prepares to do exactly what God asks of him, without arguing with him, as he does about some other matters, and without even telling, much less asking, Isaac's mother, Sarah. Abraham's absolute obedience to God makes him, for all three religions, the fundamental model of faith; it is a story that has been told and retold for millennia.

As anthropologist Carol Delaney asks, in her recent analysis of the story and its influence: why should a man's willingness to sacrifice his son be the pivotal model of faith in God? Why not, instead, a parent's courageous or "passionate protection of the child"? And what, as Delaney asks, "allowed the biblical writers to portray the story as if Abraham had [the] unquestioned right [to sacrifice the child whom Sarah had given birth to and raised], and what has so blinded subsequent interpreters that no one has yet questioned it?"¹⁶ While the powerful drive to control women and also to blame and punish them for men's difficulty controlling their own sexual impulses has been softened considerably in the more progressive, reformed versions of Judaism, Christianity, and Islam, it is still very much present in the more orthodox or fundamentalist versions of all three religions. Nor, of course, is the aim of controlling women confined to the West or to monotheistic cultures. Many of the world's traditions and cultures, including those practiced within conquered or former colonial nation states—certainly including most of the peoples of Africa, the Middle East, and most of Asia—are quite distinctly

14. Arvind Sharma, ed., *Women in World Religions* (Albany, N.Y.: SUNY Press, 1987); John Stratton Hawley, ed., *Fundamentalism and Gender* (Oxford: Oxford University Press, 1994).

15. See Carol Delaney, *Abraham on Trial: The Social Legacy of Biblical Myth* (Princeton, N.J., Princeton University Press, 1998).

16. *Ibid.*, quotations are from pp. 5 and 23.

patriarchal. They too have elaborate rituals, matrimonial practices, and other cultural practices (as well as systems of property ownership and control of resources) aimed at bringing women's sexuality and reproductive capabilities under the control of men.¹⁷

It is hardly surprising, then, that the importance to many cultures of maintaining control of women shouts out to us in the examples given in the literature on cultural differences and group rights. Yet though it "shouts out," in a way, it is hardly ever really acknowledged or discussed. As far back as the late eighteenth century, when Jeremy Bentham wrote about cultural differences that might affect legislation, among the examples he cites within a few pages are polygyny, the different degrees of subordination of wives, the castration of eunuchs to preserve the conjugal fidelity of wives, dress codes to preserve women's modesty, "crimes against nature" (that is to say, homosexuality), the confinement or seclusion of wives, paternal infanticide, the sale of daughters, forced abortion, and *sati* or widow immolation.¹⁸ Two hundred years later, we find much the same phenomenon, though now in a different context—the current literature on culturally based group rights. Let me cite a couple of examples: first, a 1986 paper by Sebastian Poulter about the legal rights and culture-based claims of various immigrant groups, as well as gypsies, in contemporary Britain, mentions the roles and status of women as "one very clear example" of the "clash of cultures."¹⁹ Poulter discusses claims put forward by members of such groups for special legal treatment on account of their cultural differences. A few are non-gender-related claims: about Sikh men being exempted from motorcycle helmet laws

17. As Gita Sen and Karen Grown say: "Traditions have always been a double-edged sword for women. Subordinate economic and social status, and restrictions on women's activity and mobility are embedded in most traditional cultures, as our research over the last fifteen years has shown. The call to cultural purity is often a thinly veiled attempt to continue women's subjugation in a rapidly changing society" (*Development, Crises, and Alternative Visions: Third World Women's Perspectives*, [New York: Monthly Review Press, 1987], p. 76). See also Michelle Zimbalist Rosaldo and Louise Lamphere, eds., *Woman, Culture, and Society* (Stanford, Calif.: Stanford University Press, 1974), esp. the introduction and chapters by Rosaldo and Sherry Ortner; also Rosaldo, "The Use and Abuse of Anthropology: Reflections on Feminism and Cross-Cultural Understanding," *Signs: Journal of Women in Culture and Society* 5 (1980): 389–417.

18. Jeremy Bentham, "Of the Influence of Time and Place in Matters of Legislation," in *Works*, ed. John Bowring (Edinburgh: William Tait, 1838), pt. 1, pp. 173–81, *passim*. Bentham, like many people writing about other cultures, is far more aware of the beam in the other culture's eye than the beam in his own (mistake intended). After all, contemporary English women lost their legal personhood on marriage, and Bentham himself defended the exclusion of women from even observing Parliamentary debates on the grounds that their presence was too distracting to men engaged in such serious business as legislation. But he persists in thinking English women are far freer than those of the other cultures he describes.

19. Sebastian Poulter, "Ethnic Minority Customs, English Law, and Human Rights," *International and Comparative Law Quarterly* 36 (1987): 589–615.

on account of their culturally sanctioned long, turbaned hair; about a Muslim schoolteacher's being allowed to be absent part of Friday afternoons in order to pray; about gypsies not having to send their children to school as much as other families, on account of their itinerant lifestyle. But the vast majority of examples in the paper—and there are many—are about gender inequalities, such as child marriages, forced marriages, divorce systems biased against women, polygyny, and female genital mutilation. Almost all of the legal cases discussed stemmed from women's or girls' claims that their individual rights were being truncated or violated by the practices of their cultural groups. Again, in a recent paper by Amy Gutmann, "The Challenge of Multiculturalism in Political Ethics," fully half the examples discussed have to do with gender issues—issues such as polygyny, abortion, sexual harassment, purdah, and clitoridectomy.²⁰ This is quite typical in the literature on subnational multicultural issues. Moreover, the same phenomenon occurs in practice in the international arena, where women's human rights are often rejected by the leaders of countries or groups of countries as incompatible with their various cultures.²¹

Despite all this, however, none of the prominent defenders of multicultural group rights has adequately or directly addressed the connections between gender and culture or the conflicts that arise so commonly between feminism and multiculturalism. I shall now take three examples of defenses of group rights, all of which claim to defend these rights on liberal grounds, and indicate some of the problems they encounter when women and gender are taken into account.

The first is an argument by Moshe Halbertal and Avishai Margalit, in a paper entitled "Liberalism and the Right to Culture."²² It consists of a claim on liberal grounds for the rights of illiberal cultures. The authors argue that "human beings have the right to culture—not just to any culture, but their own" and that this right may justify "an obligation to support cultures that flout the rights of [their individual members] in a liberal society." The second is an argument made by Chandran Kukathas in a paper entitled "Are There Any Cultural Rights?"²³ Kuka-

20. Amy Gutmann, "The Challenge of Multiculturalism in Political Ethics," *Philosophy and Public Affairs* 22 (1993): 171–204. Both Poulter and Gutmann use the generic, gender-neutral term "polygamy," but the practice they refer to is polygyny, marriage between a man and more than one woman, and not polyandry, the reverse institution. There are far more examples of the former than the latter in the world today. The latter is practiced by very few groups.

21. For numerous examples of this, see Mahnaz Afghami, ed., *Faith and Freedom: Women's Human Rights in the Muslim World* (Syracuse, N.Y.: Syracuse University Press, 1995); and Valentine M. Moghadam, ed., *Identity Politics and Women: Cultural Reassertions and Feminisms in International Perspective* (Boulder, Colo.: Westview, 1994).

22. Avishai Margalit and Moshe Halbertal, "Liberalism and the Right to Culture," *Social Research* 61 (1994): 491–510.

23. Chandran Kukathas, "Are There Any Cultural Rights?" *Political Theory* 20 (1992): 105–39.

thas does not argue, as in the preceding example, that minority cultural groups per se should have any special support or privileges, since he thinks the rights of their individual members suffice to protect them from the power of the larger society. But he does argue that such groups—even illiberal ones—within a liberal society have the right to be “let alone.” Thus, they have the right to treat their own members illiberally, in certain respects—for example, requiring them to conform to the religious or other practices of the group. The third argument—and the best known of the three—is the case for cultural group rights that has been made by Will Kymlicka in two books, *Liberalism, Community, and Culture* and, more recently, *Multicultural Citizenship*.²⁴ Kymlicka confines his defense of group rights to groups that are internally liberal, with certain exceptions which I shall not address here.

All three of these claims for group rights—or, in the case of the second, noninterference with groups—run into significant problems when approached from a feminist perspective. First, then, let us look at the argument of Margalit and Halbertal: defining “culture” as “a comprehensive way of life” that is lived in the context of an “encompassing group,” they argue that persons have the right to “their own” cultures, even if these cultures “flout the rights of the individual in a liberal society.”²⁵ They argue that governments must honor this right, by privileging and supporting cultures that might otherwise be endangered by their minority status. Their primary example, and the one I will focus on in disagreeing with their position, is the culture of Ultra-Orthodox Jews in Israel.

First, a few facts: Israel’s Ultra-Orthodox community receives substantial financial assistance from the state. Its religious day schools, which all Ultra-Orthodox children attend, segregated by sex, are heavily subsidized by the government, to the point where they are able to offer far more services than the regular public schools, such as hot lunches, transportation to and from school, and after-school programs. The community’s religious institutions are also supported by the state. And the young Ultra-Orthodox men and women are exempt from the military service that is required of all other young Jewish Israelis, on the grounds that, if male, their role is to study the Torah and, if female, military service would violate their religiously sanctioned traditional women’s role. All in all, “the culture of Ultra-Orthodoxy is . . . able to flourish, as it is given massive financial support by the government.”²⁶

24. Kymlicka, *Liberalism, Community, and Culture* (Oxford: Clarendon, 1989), and *Multicultural Citizenship*.

25. Margalit and Halbertal, p. 491.

26. *Ibid.*, p. 499. See also Frances Raday, “Religion, Multiculturalism and Equality: The Israeli Case,” *Israel Yearbook on Human Rights* 25 (1996): 193–241. Raday’s arguments and conclusions about the justification for government support for the Ultra-Orthodox differ radically from those of Margalit and Halbertal.

Margalit and Halbertal argue that these subsidies and privileges are justified by the group's need to ensure its survival in the midst of a majority secular culture. They claim, specifically, that such group rights are essential in order for each member of the Ultra-Orthodox community to preserve "his personality identity," something in which they claim every person has an "overriding interest." By a person's "personality identity," they mean "preserving his way of life and the traits that are central identity components for him and the other members of his cultural group."²⁷ They do not make it clear whether they think that all persons have "personality identities," or only those who grow up in cultures similarly encompassing to that of Ultra-Orthodox Jews.²⁸ However, if they claim the latter, it seems incumbent on them to show what is the advantage to persons of having such personality identities, rather than some kind of identity that can be acquired in a less encompassing and less restrictive setting. If they claim the former, they need to show that the *type* of personality identity one develops in a restrictive and encompassing community such as that of the Ultra-Orthodox is at least as good for persons as, if not superior to, the type they would be likely to develop in a more open and liberal community. For if the former type of community were to dwindle away in the absence of special public support, those who would have been its future members, being raised instead in the more liberal society, would presumably develop the latter type of personality identities instead. In order to be convinced of the justification of special rights for the religious minority, we need to be convinced that this alternative would constitute harm to them.

However, Margalit and Halbertal do not make either of the types of argument I spell out above. Since I shall argue, to the contrary, that Ultra-Orthodox culture is more likely than a more open and liberal culture to harm the individual interests of both its male and its female children, I conclude that its public support is unacceptable for both liberal and specifically feminist reasons.

First, the more general liberal objection: as Margalit and Halbertal make clear, what is central to the personality identity of men in Ultra-Orthodox culture is the attribute of being a Torah scholar. Religious study is what is most highly prized, so that the education of males is very largely devoted to it, and severely truncated in other respects: "Except for some elementary arithmetic, boys are taught almost no secular subjects."²⁹ How can a liberal justify the public support of such an educational system? A liberal must, by definition, be concerned with the well-

27. Margalit and Halbertal, p. 505; see also p. 502.

28. However, in a conversation with me, Halbertal indicated that he and Margalit think everyone has a personality identity, of some sort or other (Jerusalem, December 1996).

29. Margalit and Halbertal, pp. 493–94.

being of the individuals within a culture, including—as Margalit and Halbertal concede—their right to exit from the group, if they so choose. But how can individual well-being be promoted by an education so restricted that it ill prepares boys for any other kind of life but religious study? What of a boy born into an Ultra-Orthodox family who had neither any aptitude for nor interest in religious study? What if he were, instead, a naturally gifted musician, or intensely passionate about nature, or commerce, or agriculture? What if he were dyslexic, yet a mathematical genius? Margalit and Halbertal seem to be saying that the mere accident of birth into the culture of Ultra-Orthodoxy gives such a boy the “right” to be coerced into doing what he is unsuited for, and into abdicating the development of his talents or passions—in the name of achieving “his personality identity.” I can see no justification, on liberal grounds, for this at all.

From a feminist point of view, the problems are even greater. For Torah study, the central focus of Ultra-Orthodoxy, is men’s and boys’ preserve. Women’s role is to facilitate this, by both financially and domestically supporting the men, and by bearing and rearing many children to carry on the tradition. So girls’ education is oriented toward these ends, and it is broader and fuller than that of the boys. This means, however, that the personality identities cultivated in the girls are much less central to the culture, which raises an immediate question about how they are to develop a sense of equal worth or self-respect. Also, what of a girl born into this culture who is drawn toward religious study as strongly as the boy mentioned above is repelled by it? What if she dislikes children and has no desire to bear or rear any? What personality identity can she hope to develop, destined as she is to her adjunct female status within the culture she happened into by accident of birth?

Worse still, as in many other orthodox or fundamentalist religions, girls and women in Ultra-Orthodox Judaism are held responsible for male sexual self-control. As Margalit has written in another article, “on the whole the Ultra-Orthodox are obsessed with sexual morality,” and “little girls are taught from an early age that they are dangerous sexual objects.”³⁰ Not only are they required to dress “modestly,” from very early childhood, and to shave or clip short their hair and cover it from the time of puberty. Even their *voices* are (in Margalit’s words) “considered sexual organs,” such that little girls are forbidden to sing in the presence of anyone outside their immediate family.³¹ Oddly, Margalit

30. Avishai Margalit, “Israel: The Rise of the Ultra-Orthodox,” *New York Review of Books* (November 9, 1989), pp. 38–44, p. 39.

31. This is also the reasoning behind the prohibition on women’s praying publicly in a voice above a whisper. The danger is that the sound of women’s voices will sexually arouse men, which is strictly incompatible with the latter’s praying. This same attitude about women and sexuality is clearly apparent in a statement made by Mahammed Moujaher, spokesperson for the *Association Islamique en France*, during the recent “affaire du foulard”

and Halbertal do not even raise the incompatibility of all this blatant sex discrimination with any kind of liberal approach to group rights in arguing for their public support for Ultra-Orthodox culture. But how could one argue, especially on liberal grounds, that girls who happen to be born into such families have the “right” to be burdened throughout their lives with the blame for their puritanically sex-obsessed culture? How could one claim that their “personality identities” are enhanced by the lifelong repression of their freedom to dress, play, move, and even sing, because of their status within the culture as “dangerous sexual objects”? Thus it seems that Margalit and Halbertal’s claim that group rights for illiberal cultures can be based on liberal arguments is unfounded, at least in the case of Israel’s Ultra-Orthodox Jews.

Next, I shall take up and critique an intermediate position in defense of the rights of minority cultures—that taken by Chandran Kukathas. Kukathas is clearly a liberal, in that he considers cultural communities important morally only because they are essential for the well-being of individuals, saying, for example, “What counts, ultimately, is how the lives of actual individuals are affected.”³² As I mentioned briefly, Kukathas, unlike Margalit and Halbertal, does not think that groups that act illiberally toward their own members should have special protections, subsidies, or privileges. The members’ individual rights should suffice. On the other hand, he does argue that such groups should be “left alone” by the larger liberal society, with the result that their cultural practices will at least sometimes trump the individual rights that their members could otherwise claim as citizens of liberal states. Unlike many liberals, Kukathas does not think it necessary to human flourishing that persons be capable of autonomy or choice. He asks, “Why make ‘meaningful individual choice’ the basis for supporting cultural membership—particularly when this value is not recognized as such by the culture in question?” Instead, his version of liberalism is content to assess the legitimacy of a culture or way of life by asking “whether the individuals taking part in it are prepared to acquiesce in it.”³³

in France. Defending the girl’s right to wear her headscarf to school, he said that it is necessary “so that she be considered from the viewpoint of her intellectual or spiritual capacities and not from that of her body, which is (it’s a simple observation) an object of desire” (“Moujaher: Le voile, une obligation morale!” *Le Figaro* [October 26, 1989]). This male-centric notion—that a woman’s body is “an object of desire”—is what is behind virtually all religious restrictions on the ways women may dress, as well as, in many cases, where they can and cannot go, in whose company, what kind of work they can and cannot do, whether they can participate in important decision-making fora, and when and where they can speak or sing, and so on. For a woman or girl to be treated as a sexual object, rather than a person whose body is her body, not someone else’s “object of desire,” is an unacceptable breach of her basic rights.

32. Kukathas, p. 123.

33. *Ibid.*, pp. 121, 124.

The problem with this standard, however, is that it is susceptible to the very same objections that Kukathas himself raises in arguing against special supports and privileges for illiberal groups. There, he points out that groups are not homogeneous. They may, for example, be composed of elites and masses, and the interests of the elites and of the masses may differ considerably. There, he says, noting that the masses might rightly suspect those who claim to represent the interests of the group, "it is not always the case that the entire cultural community is eager, or even willing, to preserve cultural integrity at any price."³⁴ But this very reasonable objection applies just as well to Kukathas's conclusion that liberal societies should "leave alone" illiberal groups in dealing with their own members. Why should differences of interests and power differentials not worry us here, too? What if elites, or men, have interests different from those of masses, or women? What if the "acquiescence" by some in cultural practices stems from lack of power, or socialization into inferior roles, resulting in lack of self-esteem or a sense of entitlement? Such is often the case, I submit, within cultures or religions whose female members are devalued and imbibe their sense of inferiority virtually from birth.³⁵ By neglecting this, Kukathas shows insensitivity to power differentials, and specifically to feminist concerns.

This is borne out when Kukathas gives, as one of his examples of tolerance of illiberal practices, coerced marriages within immigrant cultures in liberal societies. He concludes that, when and if appeal is made to the state, such marriages should be annulled because entered into under duress. He says, though, "the immigrant community, *though entitled to try to live by their ways*, have no right here to expect the wider society to enforce those norms against the individual."³⁶ The message is that parents may coerce their daughters into marriages if they can get away with it. In this sense, the liberal state would "leave them alone" in their

34. *Ibid.*, p. 114.

35. For an account of a people with a similar outlook on their status as slaves, see Elinor Burkett, "God Created Me to Be a Slave," *New York Times Magazine* (October 12, 1997), pp. 56–60. But the situation of women in highly patriarchal cultures has added dimensions. I have recently outlined three explanations for the lesser likelihood that the older women of such cultures will seek change than the young: "It is not easy to question cultural constraints that have had a major impact on one's whole life; . . . the experience of such constraints may produce a psychological need to enforce the constraints on the younger generation [of women]; . . . [and] an older woman's relatively high status within the group . . . results in part from her leading a virtuous life, which includes successful enculturation of her children and grandchildren into their prescribed gender roles" ("Susan Okin Responds," *Boston Review* 22 [1997]: 40). For an excellent lengthier consideration of this issue, see Hanna Papanek, "To Each Less than She Needs, from Each More than She Can Do: Allocations, Entitlements, and Value," in *Persistent Inequalities: Women and World Development*, ed. Irene Tinker (New York: Oxford University Press, 1990), pp. 162–81, esp. pp. 176–81.

36. Kukathas, p. 133.

cultural practices. But if the young woman, with or without the help of others, is able to resist and to claim the state's protection, then the liberal state should protect her rights as a citizen. This is, of course, certainly better than taking the position that the state should *not* protect her rights by annulling the marriage. However, in specifying that the community is "entitled" to try to live by its ways, this argument pays too little attention to the enormous scope for coercion that exists within the private sphere of family life. There are many ways in which a family can make it extremely difficult for a daughter to invoke her individual rights against the family's insistence on cultural practices by appealing to the state and therefore, in practice, resisting a coerced marriage.³⁷ We are left wondering why, on liberal premises and within a liberal society, should a cultural group be "entitled to try to live by their ways" if these ways violate the individual rights of their members? Why shouldn't the liberal state, instead, make it clear to members of such groups, preferably by education but where necessary by punishment, that such practices are not to be tolerated?

The concern with power within the sphere of family life leads right into my critique of the third version of group rights for minority cultures—the version, voiced by Will Kymlicka, that (by and large) confines such privileges and protection to cultural groups that are internally liberal. Kymlicka is the best and best-known contemporary defender of the rights of minority cultures. He bases his arguments for such rights on the rights of individuals, drawing from the works of John Rawls and Ronald Dworkin.³⁸ While neither claims to, Kymlicka argues that both can be read as providing some basis of support for minority group rights. In the case of Rawls, the key to this is that one of his "primary goods"—things we want, whatever else we want and whatever our fuller conception of the good—is the social basis of self-esteem or self-respect. Kymlicka argues that membership in a "rich and secure cultural structure,"³⁹ with its language and history, is essential both for the development of self-respect and for giving persons a context in which they can develop the capacity to make choices about how to lead their lives. And Dworkin, as Kymlicka points out, explicitly discusses the importance of one's cultural structure for enabling one to make informed decisions about how to lead one's life. Thus certain minorities need special rights, not to give them advantages, but to restore them to a position of equality with those in the dominant culture. For without such rights, *their* culture, unlike that of

37. For some extreme examples, see "Marked for Death, by Their Families," *New York Times* (October 18, 1997), p. A4.

38. Kymlicka relies less on these other theorists, especially Rawls, in *Multicultural Citizenship* than in *Liberalism, Community, and Culture*, partly because of changes he discerns in Rawls's relevant arguments.

39. Kymlicka, *Liberalism, Community, and Culture*, p. 165.

the majority, would be in danger of extinction. In his more recent defense of minority group rights, *Multicultural Citizenship*, Kymlicka stresses more 'exclusively the importance of culture as an essential basis for one's freedom, in the sense of the availability of "meaningful options" about how to live one's life. He explains: "Put simply, freedom involves making choices amongst various options, and our societal culture not only provides these options, but also makes them meaningful to us."⁴⁰

On what conditions, then, are group rights justified? In *Liberalism, Community, and Culture*, Kymlicka scatters such conditions throughout his argument. The one that is relevant in the context of this article is that, except in rare circumstances of cultural vulnerability, the group must govern itself by recognizably liberal principles, neither infringing on the basic liberties of its own members nor discriminating among them on grounds of sex, race, or sexual preference.⁴¹ This is of great importance to Kymlicka's justification of group rights, since a "closed" or discriminatory culture cannot provide the context for individual development that liberalism requires and because, without the condition, collective rights could result in subcultures of oppression within and aided by liberal societies. Kymlicka argues that those who deny that this requirement should hold fail to recognize the capacity of cultures to change and confuse the preservation of the character of a cultural community at a given moment with its existence as a culture.⁴² This conflation, and the consequently justified denial of some individuals' rights is legitimate, Kymlicka suggests, only in certain rare circumstances, such as "too rapid change in the character of the culture," in which its very survival may depend on some restriction on its individual members—and then only temporarily.⁴³ He says, "This possibility . . . has no application to most cultures, and anyway does nothing to challenge the view that the long-term goal—the ideally just cultural community—is one in which every individual has the full range of civil and political liberties to pursue the life she sees fit."⁴⁴

In *Multicultural Citizenship*, Kymlicka restates his position from the earlier book that "the demands of some groups exceed what liberalism can accept," since "liberalism is committed to (perhaps even defined by) the view that individuals should have the freedom and capacity to ques-

40. Kymlicka, *Multicultural Citizenship*, p. 83.

41. Kymlicka, *Liberalism, Community, and Culture*, pp. 168–72, 195–98.

42. His examples include Lord Devlin and Islamic fundamentalists; Margalit and Halbertal appear to me to make the same error.

43. Kymlicka, *Liberalism, Community, and Culture*, pp. 170–71. His examples of when this has justifiably been evoked are cases in which the Indian community in Canada, "weakened (and denigrated) by the white majority," needs time for its cultural structure to recover "its normal healthy strength and flexibility" (p. 171).

44. *Ibid.*, p. 171.

tion and possibly revise the traditional practices of their community, should they come to see them as no longer worthy of their allegiance.”⁴⁵ Here, as before, he denies group rights to cultures with “internal restrictions” on their members. They may not restrict their basic civil or political liberties. Moreover, he says, distinguishing his position from communitarian views about groups, “The liberal view I am defending insists that people can stand back and assess moral values and traditional ways of life, and should be given not only the right to do so, but *also the social conditions which enhance this capacity* (e.g. a liberal education). . . . To inhibit people from questioning their inherited social roles can condemn them to unsatisfying, even oppressive lives.”⁴⁶

Kymlicka points out that his requirement of internal liberalism rules out the justification of group rights for the “many fundamentalists of all political and religious stripes who think that the best community is one in which all but their preferred religious, sexual, or aesthetic practices are outlawed.” For the promotion and support of *these* cultures “undermines the very reason we had for being concerned with cultural membership—that it allows for meaningful individual choice.”⁴⁷ However, as I shall argue, his insisting on “the social conditions which enhance [the capacity for choice about the good life]” means that far fewer minority cultures than Kymlicka seems to think will be able to claim group rights under his liberal justification. There are many cultures that, though they may not impose their beliefs or practices on others, and though they may appear to respect the basic civil and political liberties of women and girls, do not in practice, especially in the private sphere, treat them with anything like the same concern and respect as men and boys, or allow them to enjoy the same freedoms. As I have suggested, discrimination against and control of the freedom of females, to a greater or lesser extent, is practiced by virtually all cultures, past and present, but especially by strictly religious ones and those in the present that look to the past—to ancient texts or revered traditions—for guidelines or rules about how to live in the contemporary world. Sometimes more patriarchal minority cultures exist in the context of less patriarchal majority cultures; sometimes the reverse is true. But, as I shall argue, the degree to which each culture is patriarchal and its willingness to change, in this respect, must be seen as relevant factors in the consideration of the justification of group rights from a liberal standpoint.

45. Kymlicka, *Multicultural Citizenship*, p. 152. There is one major change here from Kymlicka’s position in his earlier book: now he argues that minority cultures that qualify as “national minorities” should not be required to be internally liberal. Thus, indigenous peoples and other groups whose lands were conquered should not be forced to practice internal tolerance and to forgo discrimination. I think his grounds for making this exception are unconvincing, but will set aside this aspect of his argument for now.

46. *Ibid.*, p. 92; emphasis added.

47. Kymlicka, *Liberalism, Community, and Culture*, pp. 171–72.

Clearly, Kymlicka regards cultures that discriminate overtly and formally against women—by denying them education, or the right to vote or to hold office—as not deserving special rights.⁴⁸ The problem is that, more often than not, sex discrimination is far less overt. In many cultures, strict control of women is enforced in the private sphere by the authority of either actual or symbolic fathers, often acting through, or with the complicity of, the older women of the culture. In many cultures in which women's basic civil rights and liberties are formally assured, discrimination practiced against women and girls within the household not only severely contrains their choices about the kinds of lives they want to lead but can cause such decline in their basic well-being as to cause their deaths.⁴⁹ Sex discrimination in its milder forms is surely familiar in all cultures; it can assume such forms as women's and girls' being expected to take on all or by far the larger portion of the unpaid work of the family, being given the message that they are generally inferior to men and expected to defer to them, being encouraged on the one hand to conform to higher standards of beauty and grooming than boys, while on the other hand to conform to lower standards of academic achievement. And, as we all know, sex discrimination—whether severe or more mild—often has very powerful *cultural* roots.

Thus, although Kymlicka rightly objects to the granting of group rights to minority cultures on the grounds of overt sex discrimination, he does not register in his arguments for multiculturalism what he shows awareness of in his chapter on feminism in *Contemporary Political Philosophy*: that the subordination of women is often far less formal and public than it is informal and private, and that virtually no culture in the world today, whether minority or majority, could pass his “no sex discrimination” test if it were applied in the private sphere.⁵⁰ Perhaps Kymlicka might respond to this by saying that I am expecting too much, or that to enforce the requirement that males and females be treated equally within the sphere of family life would be intolerably intrusive and quintessentially illiberal. I contend, however, that the very grounds of his liberal defense of group rights requires him to take these very private, culturally reinforced kinds of discrimination into account. For surely it is *not* enough, for one to develop self-respect and self-esteem, that one belong to a viable culture. Surely it is *not* enough, for one to be able to “question one's inherited social roles” and to have the capacity to make choices about the life one wants to lead, that one's culture be protected. At least as important to the development of self-respect and self-esteem

48. See, e.g., Kymlicka, *Multicultural Citizenship*, pp. 153, 165.

49. See Amartya Sen, “More than One Hundred Million Women Are Missing,” *New York Review of Books* (December 20, 1990), pp. 61–66.

50. Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (Oxford: Clarendon, 1990), esp. pp. 239–62.

as one's culture is *one's place within that culture*. And at least as important to one's capacity to question one's social roles is *whether one's culture instills in and enforces on one particular social roles*. To the extent that their culture is patriarchal, in both these respects the healthy development of girls is endangered.

As a result of this, it is by no means clear, from a feminist point of view, that minority rights are part of the solution; they may exacerbate the problem. In the case of a more patriarchal minority culture in the context of a less patriarchal majority culture, no argument can be made on the basis of the enhancement of self-respect or the greater capacity for choice that the female members of the culture have any clear interest in its preservation. While a number of factors would have to be taken into account in assessing the situation, they *may* be much better off, from a liberal point of view, if the culture into which they were born were either gradually to become extinct (as its members became integrated into the surrounding culture) or, preferably, to be encouraged and supported to substantially alter itself so as to reinforce the equality, rather than the inequality, of women—at least to the degree to which this is upheld in the majority culture. Other factors that would need to be taken into account include whether the minority group speaks a different language that requires protection, and whether the group suffers from prejudices such as racial discrimination. But it would take significant factors weighing in the other direction to counterbalance evidence that a group's culture severely constrained women's life choices or otherwise undermined their well-being.

I could name dozens of examples to illustrate this point, but will confine myself to referring to three cases or series of cases that have occurred within the last few years, mostly in the United States, and to a more general pattern, of which the cases seem to be rather extreme examples.⁵¹ It should be noted that all are examples from the cultures of recent immigrants—thus, groups that would qualify for fewer special group privileges under Kymlicka's guidelines than would those he calls “national minorities.” They are, however, cultural groups that constitute nonimmigrant ethnic or religious minorities in some other parts of the world. The main reason I raise the examples is to show that culturally endorsed practices that are oppressive to women can often remain hidden in the private or domestic sphere, being perceived as private family concerns, and that it can take more or less extraordinary circumstances for them to become public or for the state to have the opportunity to intervene protectively.

The first case I shall mention happened in December of 1996, when

51. For more examples, see Susan Moller Okin, “Is Multiculturalism Bad for Women?” *Boston Review* 22 (1997): 25–28.

a recent immigrant from rural Iraq went to the local police in a midwestern town to report that his daughter was missing and to seek their help in finding her. He explained that he had arranged for a Muslim cleric to marry his two daughters, aged thirteen and fourteen, to two male friends of his in their late twenties, and that subsequent to the marriages and their consummation one of the girls had run away with her boyfriend, aged twenty. The girl was found *and*, to their enormous surprise, the father, the two husbands, and the boyfriend were all arrested, the father for child abuse and the other three on charges of statutory rape.⁵² But in all likelihood, if the father had not himself involved agents of the state in the affairs of his family, what happened to these girls would never have become public. A second series of cases, mostly in California, involve the Hmong, whose culture endorses a practice called “marriage by capture,” in which, after due consultation with her male relatives, the intended bridegroom kidnaps and rapes his chosen “bride.” These cases come into public view as rape cases, in instances where young women who strongly resist such treatment and are perhaps helped by sympathetic relatives or friends have the strength and knowledge to bring such charges.⁵³ A third type of case: recently, after years of attempts by Congresswoman Patricia Schroeder, the Congress finally outlawed the practice of clitoridectomy in the United States. Just a few months earlier, a court had granted asylum to the first refugee from such abuse in her native country, Togo. When the law was passed, a number of U.S. doctors were quoted in the media (newspapers and public radio) saying they considered the legislation unjustified, since clitoridectomy was a “private” matter, to be decided by the child and her family, in consultation with the doctor.⁵⁴

The more general pattern in many cultures that lies behind such examples is one of unequal treatment and control of young women that can have lifelong repercussions and that originates in and is largely carried out in the domestic sphere. In a very recent study of immigrants’ experiences in schools in the United States, Laurie Olsen relates how young first-generation immigrant women in an urban California high school must negotiate between two cultures, often finding themselves contending with both the racism and exclusion they experience from the

52. *New York Times* (December 2, 1996), p. A6.

53. For discussion of some such cases, see Deirdre Evans-Pritchard and Alison Dundes Renteln, “The Interpretation and Distortion of Culture: A Hmong ‘Marriage by Capture’ Case in Fresno, California,” *California Interdisciplinary Law Journal* 4 (1995): 1–48; and Catherine Trevison, “Changing Sexual Assault Law and the Hmong,” *Indiana Law Review* 27 (1993): 393–408.

54. Celia Dugger, *New York Times* (October 12, 1996). As Dugger notes: “Experts say there is no way of knowing how many girls are being genitally cut in the United States since the rite is usually performed privately” (p. A1).

majority culture and the patriarchalism of their own cultures. Of the latter constraints, she writes:

Religion and culture are key factors. Thus, the Vietnamese or Chinese girls handle the dilemmas differently from Mexican Catholic girls, and the young Hindu and Muslim women still differently. Meanwhile, each hears the clock ticking in terms of cultural expectations about marriage, having children, and assuming female roles. The young women are unsure if or when their parents will expect, allow, or arrange their marriages, require help in assuming responsibility for siblings or arrange to send [them] back to their homeland to help with family responsibilities there or to begin a process of traditional marriage.⁵⁵

Olsen found that while the young immigrant men tended to feel that they could choose between the two cultures of their bicultural setting, the young women felt they had to navigate between them, at considerable expense to themselves. It was the girls who, though living in the midst of a different majority culture, were expected to maintain and to reproduce in their marriages and their children their original cultural identity. As she concludes, "The immigrants in this study felt the greatest pulls back to the home culture with regards to gender identity, more than they did with any other aspects of finding their footing in a new land."⁵⁶

In many of the cultural groups that now form significant minorities in the United States, Canada, and Europe, families place girls under significantly greater constraints than their brothers. They restrict their dress, participation in extracurricular and social activities, unchaperoned dating, further education, choice of employment, choice of spouse, and time of marriage. They expect them to take on significant domestic responsibilities from which their brothers are exempt and which often interfere with the girls' progress at school. They not infrequently take them out of high school to marry, despite the girls' attachment to school as offering them not only some degree of temporary independence but also the education and earning power that could affect their negotiating power and their ability to avoid the abuse many of them fear within marriage. Frequently, the girls feel they must choose between "respecting their parents," which may include marrying the older cousins or family friends chosen for them—whom they may not know or like—and furthering their educations and developing work skills so as to retain more control over their own lives. And they know that their families may send

55. Laurie Olsen, *Made in America: Immigrant Students in Our Public Schools* (New York: New Press, 1997), p. 124. See esp. chap. 6, "Love and Marriage: How Immigrant Women Negotiate the Terrain between Two Cultures."

56. *Ibid.*, p. 148.

them back to their countries of origin, disown them, or worse, if they try to make their own choices.⁵⁷

It is, therefore, difficult to understand how these young women's cultures could be viewed as providing for them the background enabling them "to make informed decisions about how to lead their lives," "to make choices amongst various meaningful options," or "to freely pursue the life they see fit"—functions that liberal defenders of multiculturalism ascribe to cultures. Serious constraints, rather than personal freedom or the capacity to make meaningful choices about their lives, make up a major part of *their* cultural heritage. While most of the immigrant girls value highly their attachment to their cultural roots, which they perceive their American peers as lacking, they are deeply distressed by the limitations on their present personal freedom and on their future choices in life that their families justify in the name of culture.⁵⁸ Even in the absence of cultural group rights, their families exert a tremendous pull on these young women and appear to have abundant power over them. It is difficult to imagine that the young women, if consulted, would endorse such rights, unless accompanied by the requirement that their cultural groups modify their attitudes toward their female members and loosen the controls they exert on them.

Thus it is clear that many instances of private sphere discrimination against and control of women on cultural grounds are never likely to emerge in public, where courts can enforce women's rights and political theorists like Kymlicka can label them as illiberal and therefore unjustified violations of women's physical or mental integrity. This reinforces the idea that, as I suggested above, one's place within one's culture is likely to be at least as important as the viability of one's culture in influencing the development of one's self-respect and capacities to make choices about life. Establishing group rights to enable some minority cultures to preserve themselves may not necessarily be in the best interest of the girls and women of the culture, even when it is in the men's. Not surprisingly, as I have shown, this problem with Kymlicka's defense of the rights of groups that are, at least apparently, liberal is even more of a problem for defenses of group rights, or arguments that groups should be "left alone," that also apply to illiberal groups.

Several recommendations follow from the above argument that, in cases where more patriarchal cultures claim group rights within less patriarchal societies, women do not necessarily benefit from the granting of such rights. The conclusions reached here suggest that when liberal arguments are being made for the rights of groups, special care must be

57. See *ibid.*, chap. 6. For the extreme case of immigrant families in Britain from rural Pakistan who kill or try to kill daughters who resist arranged marriages, see "Marked for Death, by Their Families."

58. Olsen, chap. 6.

taken to look at intragroup inequalities. It is especially important to look at inequalities between the sexes, since they are likely to be in many respects less public and therefore less immediately apparent and harder to discern than others. It is therefore of considerable importance that policies that aim to respond to the needs and claims of cultural minority groups take seriously the need for adequate representation of the less powerful members of such groups. Unless women—and, more specifically, young women, since older women often become co-opted into reinforcing gender inequality⁵⁹—are fully represented in negotiations about group rights, their interests may be harmed rather than promoted by the granting of such rights.

59. For some of the reasons for this, see n. 35 above.