Still a Dilemma: Feminism and Multiculturalism

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Written version of a commentary on Leti Volpp’s presentation (and as yet unpublished article) on “Moving Beyond Feminism versus Multiculturalism”, Conference „Diversity, Justice and Democracy: Challenges and Visions“, Diplomatic Academy, Vienna, 07./08.04.2003

In her rich article full of instructive examples Leti Volpp urges us to avoid any bifurcated depiction of feminism in relation to multiculturalism (and vice versa). As it were, a simplistic “West is Best” feminism that regards “multiculturalism” as a threat to women’s equality is just as indefensible as claiming that every feminist critique of minority cultures is in some way eurocentric or a sign of “Westernization”. In short, Leti Volpp’s aim is to move “beyond” the feminism vs. multiculturalism debate, which relies on such problematic dichotomies.

According to Volpp, the writings of authors such as the late Susan Moller Okin epitomize the kind of reductionist liberal feminist thinking that needs to be overcome. Okin’s at times rather sweeping essay “Is Multiculturalism Bad for Women?” (1999), the starting point of Leti Volpp’s critique, has sparked a heated debate and lead to some vigorous rejections of her position. Ayelet Shachar (2001: 67) calls it a “reductionist horror-story” and just like Leti Volpp finds fault with Okin for not taking seriously immigrant and Third World women’s autonomy and capacity for action. Indeed, a stance that relies on the stereotype of Third World women and immigrant women as “passive victims of primitive traditions” and that bases some euphemistic image of “Western women’s liberation” on the depiction of “aberrant gendered violence in immigrant communities” (Volpp, 4**) would be deeply flawed.

But is this false assumption an inevitable premise of postulating a certain kind of tension between “feminism” and “multiculturalism”? And is it Susan Moller Okin’s position, who polemically engages with a normative multiculturalism that would legitimize a gender insensitive invocation of culture in order to justify sex subordinating behaviour? I do not think so. In what follows, I want to substantiate these claims and analyse Leti Volpp’s complex and astute paper with these issues in mind.

The debate: Multiculturalism, Culture, and (Gender) Equality

At the heart of the debate lies a general question: “How should we understand a commitment to equality in a world of multiple human differences, grim hierarchies of power, and cruel divisions of life circumstance?” (Cohen et al., 1999: 5) Both theoretical strains, that is,
feminism and multiculturalism, can be construed as having a common concern – a struggle *for* equality and recognition and *against* subordination (Phillips 2005). Even Okin (1999: 131), contrary to what one may assume, holds at one point that “multiculturalism and feminism are, in some ways, related struggles.” Indeed, insofar as both feminism and multiculturalism rely on the principle of “anti-subordination”, there seems not much both sides have to fear from their respective “other”. However, such harmony is not pre-stabilized. Analysis and normative claims by diverse authors in the name of one or the other “label” will more often than not be incompatible.¹ Generalizing this insight inevitably leads to the diagnosis that indeed “feminism” and “multiculturalism” at certain points will not easily be reconciled or even stand in unresolvable contradiction to each other. It is at this general point that I agree with Okin and other authors such as Shachar (2001), who theorizes the “paradox of multicultural vulnerability” as a problem of systematic “intra-group maltreatment” of women “sanctioned by group practices” (1998: 285, 286) and that my view seems to differ from that of Leti Volpp.

Let me start with a rough outline of “multiculturalism”. Leti Volpp’s paper provides no such account, which is unfortunate, since multiculturalism is a movement, which, “for all its influence and ubiquity [...] is unusually ill-defined.” (Melzer et al., 1998: 1) Accordingly, one may easily be at cross-purposes. As I understand the term, “multiculturalism” denotes a diversified family of theories that call for the peaceful coexistence and mutual recognition of different cultures. Its outlook is basically non-utopian and open for pragmatic resolutions of group conflicts. The empirical basis for this normative and political project is multiculturalism as “demographic fact” (Fish, 1998: 75). Accordingly, multiculturalism is an ambiguous term (Raz, 1994: 173). In the eyes of many authors (e.g. Kymlicka 1995; Parekh 2002) normative multiculturalism demands more than just a tolerant attitude of a “majority” towards “minority cultures”. It will often call for “group rights” that are to (better) enable groups to practice their “culture”. According to the instructive categorization by Levy (2000: 127) such rights include, among others, individual rights people have as group members in the form of exemptions from laws which “burden cultural practices”; “external rules restricting nonmembers’ liberty to protect members’ culture” as well as isles of self-government for certain minorities or the enforcement of a “traditional legal code by the dominant legal system” in the name of “legal pluralism”.

What then do we talk about when we invoke “culture”? How do we judge cultural claims? Why does multiculturalism insist on “preserving” cultural identities and practices? The notion of culture is “much abused because it is so elastic” (Appiah, 1998: 64) and can be used in manipulative ways. Accordingly, I want to differentiate two ways of “talking culture” sometimes conflated in the debate and also in Leti Volpp’s contribution in this volume.
One meaning of “culture” denotes *shared practices* that are considered as either *obligatory or justified* (and others that are not). To “talk culture” in this way means to invoke principles and norms that proscribe or legitimize things people do and ways they behave. “Culture” in this sense is the notion for a set of practices that constitutes a life form and provides a “range of options” of living a (good) life. If certain actions are “normal” according to the standards of a culture, in its particular context no more explanation for individual actions is needed other than to state that “this is how we do things around here.”

Now multicultural accommodation is supposed to facilitate the cultural life of various “identity groups”, be they based on ethnicity (immigrant or indigenous), religion or nationality, because it is within “our” cultural life that we generate sense and meaning. Multicultural accommodation is also supposed to go into the situation of immigrants when some of their “cultural practices” are *legally permissible* or at least *commonly tolerated* in the country they come from but *collide* with the legal system of the country they immigrate to. Polygamy is an obvious example; female circumcision/female genital mutilation (FC/FGM) is another. Those practices may be supported by what Uma Narayan (1997: 21-22) calls the “Idea of Venerability”, a legitimizing strategy suggesting that “practices and institutions are valuable merely by virtue of the fact that they are long-standing.”

Another meaning of “culture” is invoked by *opponents* of multiculturalism, among them quite a few feminists. In their speaking out against multicultural accommodation, culture becomes a *pejorative* term. According to the analysis of Leti Volpp, culture in this context is used as a signifier for a set of *hierarchical distinctions*. A place allegedly “beyond culture” (autonomy) is set against “culture” that bounds; “high civilization” is contrasted with “barbaric rituals”; and finally, “culture” is the opposite of “nature” (in this last confrontation “culture” denotes the *privileged* position in a dichotomy vigorously criticized in feminist theory). This is how “culture” becomes part of a discriminatory discourse: it can be used to position oneself on the “beyond” side of the hierarchy and label others as “bound by culture”, “non-autonomous”, “barbaric”, “closer to nature”, etc. “Talking culture” becomes an imperialist gesture that marks as inferior individuals and groups. It is this kind of “culture talk”, this “blaming culture for bad behaviour” (Volpp 2000), which Volpp rejects and which she sees as the foundation of feminist rejection of multiculturalism.

The Dilemma and Alleged Solutions

The dilemma between feminism and multiculturalism will arise if multiculturalists show understanding for practices that subordinate women because they are legitimized by “culture”, suggest that the state had better not interfere with groups endorsing them or that it
should even accord such groups certain rights. According to feminists such as Okin, this concept of a multiculturalist state is not very reliable when it comes to gender equality, a principle which is hardly the first priority in many cultures (minority and majority alike). In liberal states, however, individual rights are supposed to trump such cultural standards that create value differences between groups of people, notably by subordinating women and, to take another example, homosexuals.

This is not to claim that gender inequality is alien to “liberal” legal cultures. Okin herself has never ceased to criticize Western legal systems for their shortcomings concerning material gender equality. However, as Volpp rightly criticizes, some of her examples in “Is Multiculturalism Bad For Women?” may imply that gender inequality is a phenomenon imported by way of immigration. Accordingly, Okin may be charged with focusing narrowly on immigrant practices and passing over how some such practices are “white Western” phenomena just as well. For example, Volpp points out that polygamy in the Western world is not only common among some Muslim immigrants, as Okin’s case of immigrant Muslims in France would suggest, but also among some Christian splinter groups in several U.S. states where the practice is hardly prosecuted, except in some spectacular cases when force or minors are involved. While Volpp has rightly shown that it is hypocritical to operate a double standard, however, the problem of polygamy as an issue of potential multicultural accommodation remains. Women’s rights advocates within many Third World countries as well as in those U.S. states where polygamy is an unofficially tolerated practice insist that polygamy constitutes a detriment to women’s equality and provides a coercive family environment. Thus one may rather safely claim that polygamy is an oppressive and patriarchal practice. As a next step, it seems apt to look for strategies to render the culture less patriarchal.

Okin, in an often criticized passage, which Leti Volpp also quotes, rather drastically suggests that female members of minority cultures that are more patriarchal than the surrounding culture may be “much better off if the culture into which they were born were either to become extinct (so that its members would become integrated into the less sexist surrounding culture) or, preferably, to be encouraged to alter itself so as to reinforce the equality of women – at least to the degree to which this value is upheld in the majority culture. Other considerations would, of course, need to be taken into account, such as […] whether the group suffers from prejudices such as racial discrimination.” (1999: 23; emphasis added to the passages Volpp has quoted) Volpp’s contention with this passage basically concerns Okin’s remark pertaining to “extinction” and the attitude displayed by her choice of examples. Okin’s feminist solicitude focuses solely on allegedly threatening “cultural” practices of immigrant communities of “color”. Oppression of women that way
might be regarded as a constitutive characteristic only of “racialized immigrant cultures”. This prejudice is exploited by xenophobic theory, politics and hostile mainstream perceptions of such communities, which are, as Volpp suggests, the “bad company” (Fish, 1994: 80; Volpp, 1996: 1609) of Okin’s liberal feminist position.

Volpp is certainly right in stating that “[a]nxiety about forms of gender subordination practiced in immigrant communities can function as a proxy for xenophobia.” (24) A particularly disquieting example in this context is the French (conservative) government’s inhuman policy of separating polygamous families after tolerating them for many years – much to the discontent of those women who had rejected this lenient policy and lobbied against it. The government’s anti-polygamy policy was legitimized with reference to women’s rights and needs, but it actually appealed to the population’s xenophobia and was the expression of a general backlash against the welfare state (Starr/Brilmayer, 2003: 249). So Volpp’s main point is very important. Feminists should be very careful as to how we frame any arguments about “immigrant communities” or “minority cultures”. Feminists should, in other words, not zealously, if inadvertently, add fuel to the racist fire. (It should be added, however, that no caution can ultimately prevent the misuse of feminist concerns.)

Apart from issues of alleged attitude and questions of strategy, Volpp herself leaves no doubt that “gender is frequently the terrain of culture”. (7**) Accordingly, she regards it as necessary to insist “on the eradication of gender subordination within immigrant communities” while being aware of the “racism, state policies and material concerns” that shape them. Her stance is informed by a commitment to equality as anti-subordination. This principle is the corner stone of her evaluative judgments concerning “cultural practices” in their complex relation to structural and geopolitical forces. Volpp calls this understanding of culture politicized. This concept, Volpp emphasizes, has several advantages, especially when compared to conventional feminist positions. It can shed light on forms of subordination “beyond a laundry list of particular cultural practices” that reflects the “concerns to relatively privileged women in the West”, embodied in principles such as “freedom of movement, freedom of dress, freedom of bodily integrity, and freedom of control over one’s sexuality, rather than violations of the right to shelter or basic sustenance.” (14**) This juxtaposition is startling. I do not see any conflict between caring for women’s basic sustenance and the other rights and freedoms of the “laundry list” that Volpp connects with Western women’s “privileges”. (It is certainly an important question when and how such rights collapse into being privileges.) I believe that feminists can and do care for all of the issues and principles Volpp has enumerated. They are also internally connected: Freedom of movement as being able to move outside the house may be an indispensable precondition for
Moreover, some of Volpp’s examples demonstrating the inadequacy of feminism are quite disquieting. For instance, Volpp (in accord with observations by Nomi Stolzenberg) associates the attention “FGM” (Female Genital Mutilation) and its “reportedly detrimental effects on sexual pleasure” receive with the “high rates of sexual dysfunction U.S. women experience” (18, note 39**), implying that this is a rather questionable motive. This may or may not be the case. People care for things for many reasons. Yet the health problems – including but not confined to sexual dysfunction – caused by FC/FGM are still real. Volpp’s discussion of the “burqa” has something similarly troubling. The burqa was initially displayed by the RAWA (Revolutionary Association of the Women of Afghanistan) as a symbol for the oppression of women under the Taliban, where they were forced to wear it. Using the burqa was very effective in terms of mobilizing the international public, which in turn gave some activists rather strange ideas. Volpp recounts how a group of women have planned to wear the burqa in order to protest women’s exclusion from the Augusta national gold tournament, claiming that “Afghanistan is everywhere” (18). This exploitation of the burqa is certainly out of the question. On the other hand, just because some feminists make frivolous use of the burqa and just because the fashion industry is eager to make its economic share in post-Taliban Afghanistan does not make having to wear the burqa an unproblematic practice and does not mean that (white Western) feminists generally, as Volpp seems to imply, ignore “relationships of economic inequity [...] as a target of change.” (17**) The Feminist Majority Foundation, for example, in its Campaign for Afghan Women and Girls demands a “Marshall Plan” for Afghanistan and focuses both on liberal and on social rights. There is no either/or here – neither in theory nor in practice.

Context and generalization

Moving on and beyond the binary logic she detects in the feminism versus multiculturalism debate, Volpp in the final part of her paper insists on the necessity of bringing together universalistic and contextualizing understandings of subordination, which she exemplifies looking at cases of domestic violence and mother-child suicide from diverse cultural environments. In an impressive case study Volpp shows how testimony concerning poverty, domestic violence, culture, racism and a restrictive immigration policy was sensitively introduced in court to contextualize the actions of Narinder Virk, a native Indian from Punjab, who had attempted to kill her two children and then commit suicide. The jury found the testimony convincing. Virk was found temporarily insane and was not convicted for
attempted murder. The testimony was introduced under the label of a “cultural defence” and combined feminist and multiculturalist concerns.

With her example, Leti Volpp provides a strong case for the importance of context and the traps of overbroad generalizations. She also shows how invoking a “cultural defense”, contrary to what many commentators have claimed, will not always be to the detriment of women. Culture, in short, is not only and crudely introduced in court in order to justify rape and male violence (as it happened in a few much discussed cases; Volpp 1994; 1996; 2000), but a politicized notion of culture can lead to the kind of contextualization that is necessary in order to judge somebody’s actions.

While context is important – what about generalization? When it comes to the legal-institutional dimension of multicultural accommodation, generalization is inevitable, as well as judgements based on generalizations. I want to add some substance to this claim by dealing with one example from the field of family law. Due to feminist interventions, the liberal state has in the past decades claimed as “public” many aspects of what used to be considered as “intimate” and therefore off the limits of the law. The ideas of gender equality and physical integrity were built into family law; marriage was not to provide an excuse for maltreatment under the cover of the domestic. It has been difficult to make “liberalism” realize what is at stake for so many women and not every liberal and certainly not every adjudicator of law has learned the lessons feminists have been trying to teach the legal system and society on the equal dignity of women.

Those advancements, incomplete as they are, can be endangered by way of introducing “legal pluralism” in multicultural, multireligious societies. Take as a recent example the plan to implement “Muslim family law” under Ontario’s Arbitration Act 1991, which renders it possible for religious groups to resolve “civil” family disputes according to their own rules. Some Muslim women welcome this opportunity to be true to their faith; Syed Mumtaz Ali, president of the Canadian Society of Muslims, the driving force behind this development, maintains that now “Muslims would no longer have an excuse not to follow sharia because it would no longer be impractical in Canada.” (Brown, 2004: A 14)

To other Muslim women this plan sounds like a dangerous threat. They strongly oppose this undertaking, holding that Muslim women’s rights to equality are endangered. Muslim activists’ warnings concern the content of “Muslim family law” which is adjudicated differently in various Muslim countries – and often to the detriment of women (Women Living Under Muslim Laws, 2003). It is simply not foreseeable what kind of understanding should be applied in Canada. Several organizations of Muslim women question what use the
The application of Muslim family law is supposed to have in a country with a Family Law Act that embodies not only the values of the Canadian Charter of Rights and Freedoms but also the Islamic values of “compassion, social justice and human rights, including equality” (Canadian Council of Muslim Women, 2004).

At the same time, those activists are perfectly aware of the dangers of speaking out: “[W]e are practicing, pro-faith Muslims who don’t want to provide ammunition to those who malign Islam.” (Alia Hogben, president of the Canadian Council of Muslim Women, quoted in Hurst, 2004) Nevertheless, they feel they cannot be silent. Women Living Under Muslim Laws, an international human rights group, has “warned that secular states like Canada must be careful not to fall into the trap of not interfering in old-world traditions out of misguided sensitivity. Trying to avoid discrimination against a whole group [...] can lead to discrimination against its female members.” (Hurst 2004) Shachar (2001, 3) calls this the “paradox of multicultural vulnerability,” signifying “the ironic fact that individuals inside the group can be injured by the very reforms that are designed to promote their status as group members in the accommodating, multicultural state.” (id. at 3)

One point seems to be especially notable in our context: the activists insist on not using arbitration in “matters of public interest, such as family disputes and resolutions” (id). Privatizing family law is especially problematic in the context of systems that have taken so unbearably long to accept that “the personal is the political”, that women’s position in the private sphere is of primary importance for their “equality”, contested as the term is in legal theory and practice.

Exempting family law by pluralizing it is a policy decision in the name of multicultural accommodation. When it comes to this, generalizations are necessary. They will contain an evaluation and prognosis of a probable negative impact of such a policy on women’s lives. In such a situation it is inadequate to claim, as Leti Volpp does, “that cultures, including our own, are patriarchal – not more or less so, but differently patriarchal.” (23**) If on an average the surrounding (legal) culture better serves the interests and rights of women belonging to certain groups, one should think twice before handing power in the form of discretion in family issues to spokespersons of nomoi groups. Such accommodation can even, as Ayelet Shachar (1998: 294) suggests, “create a disincentive for the group’s elite to relieve internal restrictions against women”. (This suggestion plainly relies on the premise that the surrounding culture is “less patriarchal” than the minority culture that is to be accommodated.)
Criticizing multiculturalist accommodation as endangering women’s rights, feminists will no doubt encounter protest and defensive reactions. Depending on where they stand themselves, they will be perceived and accused as insensitive outsiders or disloyal insiders. As Uma Narayan (1997: 29) has put it so astutely, “We provoke nervousness and condemnation because we insist that the choices and happiness of women should matter considerably more than the preservation of ‘Tradition’ even as we call attention to the selective and problematic ways in which these traditions are understood.” Feminism is a critical companion of virtually every culture. It aims to point out those often marginal strains of culture that are in favour of women’s equality in order to alter the dominant culture. This aim is often not the primary concern in multicultural theorizing. That is why, ultimately, “feminism” and “multiculturalism” as normative theories will time and again be in conflict with each other. Yet, I hope to have shown that we need not rely on the idea of the “liberated Western woman” to state that.

References


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1 Katha Pollitt (1999: 27) puts it bluntly: “You could say that multiculturalism demands respect for all cultural traditions, while feminism interrogates and challenges all cultural traditions.”

2 The phrase is used by Kelly (2001: 433) to pin down Bhikhu Parekh’s (2002: 267-270) notion of “operative public values,” a conglomerate of principles and rules of different kinds that constitute a “shared form of life.”

3 FGM is outlawed in several countries where it is practiced. For an overview of national-level legal measures see Rahman/Toubia, 2001, Part II.


5 Volpp (1994, 59) argues “that the value of antisubordination should be used to mediate between a position that totally rejects the [cultural] defense and a position that embraces a formalized ‘cultural defense’ from the perspective of cultural relativism.”

6 http://www.feminist.org/afghan/.
Indeed, the Ontario government is in the process of reviewing the plan to use the Arbitration Act for implementing Muslim family law; Toronto Star, 18.06.2004.