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Anne Phillips: Multiculturalism without Culture

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INTRODUCTION

THIS BOOK AROSE out of two preoccupations. The first was my feeling that feminism was becoming prone to paralysis by cultural difference, with anxieties about cultural imperialism engendering a kind of relativism that made it difficult to represent *any* belief or practice as oppressive to women or at odds with gender equality. The feeling became especially acute after Susan Moller Okin published her essays on the tension between feminism and multiculturalism, including an abbreviated version, under the title she later regretted, “Is Multiculturalism Bad for Women?”¹ One might have thought Okin’s contentions would be rapidly incorporated into the common sense of feminism; indeed, Katha Pollitt commented that “coming in late to this debate, I have to say I’ve had a hard time understanding how anyone could find these arguments controversial.”² Okin noted that most cultures are suffused with gendered practices and ideologies that disadvantage women relative to men. For a feminist, this is not an especially controversial claim. She asserted that while most cultures are patriarchal, some are more so than others, and that cultural minorities claiming group rights or multicultural accommodation are often more patriarchal in their practices than the surrounding cultures. It would be easy to get into arguments about how to define patriarchy and whether it remains a useful term; but again, it seems uncontroversial to say that some practices are better for women than others, and hard to see why all cultures would turn out to be equally good or bad on the woman question. Nor is it hugely contentious to suggest (as Okin did) that a practice like polygamy is less popular among women than men, or to point out that it is no longer regarded as an acceptable form of marriage in legal systems across Europe and North America. Okin also maintained that when claims are made on behalf of cultures, they should be carefully interrogated to see who is going to benefit, and that the “requirements”

¹ Susan Moller Okin, “Feminism and Multiculturalism: Some Tensions,” *Ethics* 108 (1998): of 661–84; Susan Moller Okin, “Is Multiculturalism Bad for Women?” in *Is Multiculturalism Bad for Women?* ed. Joshua Cohen, Matthew Howard, and Martha C. Nussbaum (Princeton, NJ: Princeton University Press, 1999); Susan Moller Okin, “Mistresses of Their Own Destiny: Group Rights, Gender, and Realistic Rights of Exit,” *Ethics* 112 (January 2002): 205–30.

² Katha Pollitt, “Whose Culture?” in *Is Multiculturalism Bad for Women?* ed. Joshua Cohen, Matthew Howard, and Martha C. Nussbaum (Princeton, NJ: Princeton University Press, 1999), 27.

of the culture will often turn out to be the interests of the more powerful men. This is a view almost any feminist could endorse.

Okin made her arguments, however, in a way that gave many hostages to fortune, drawing her examples eclectically from sometimes sensationalist newspaper sources, and offering a much-criticised formulation about some women perhaps being better off if the culture they were born into were “to become extinct.”³ As the debate developed, Okin came to be regarded as representing a hegemonic Western discourse that considered non-Western cultures as almost by definition patriarchal. Like many feminists, I had problems with what she argued, but I also had problems with what seemed to be a backing away from normative judgment among those most hostile to her analysis. As the critics identified implicit hierarchies of culture and rejected what they saw as the arrogant assertion of one true road to gender equality, they often found themselves unable to articulate criticisms of female genital cutting, child marriage, or religious conventions that gave men, but not women, the unilateral right to divorce. Cultural difference had become overlaid with too many distorting assumptions and stereotypes, to the point where any criticism of a cultural practice evoked the image of the “do-gooder” outsider, secure in the superiority of her own culture, telling the insiders what they ought to do. Faced with this unattractive proposition, it looked for a while as if feminists would abandon the language of universals and give up on normative critique.

My second preoccupation—almost the mirror image—was the perception that outside of feminist circles, principles of gender equality were being deployed as part of a demonisation of minority cultural groups. Overt expressions of racism were being transformed into a more socially acceptable criticism of minorities said to keep their women indoors, marry their girls off young to unknown and unwanted partners, and force their daughters and wives to wear veils. People not previously marked by their ardent support for women’s rights seemed to rely on claims about the maltreatment of women to justify their distaste for minority cultural groups, and in these claims, cultural stereotypes were rife. It was, of course, partly this perception that made Okin’s critics so determined not to give sustenance to views about minority cultures that could be abused in this way. But with the equality agenda seemingly hijacked to promote cultural stereotypes, and feminists curbing their criticisms in order not to support this move, it looked as if things were going badly wrong.

In embarking on this book, I hoped to cut through these dilemmas with an unashamed normative commitment to the principle of equality, and a demonstration that this implied support for both multiculturalism *and*

³ Okin, “Is Multiculturalism Bad for Women?” 22. The sentence continues: “or, preferably, to be encouraged to alter itself so as to reinforce the equality of women.”

women's equality and rights. Much of my previous work had explored the relationship between equality and difference, and the viability of group representation as a way of redressing imbalances of power between women and men as well as minority and majority ethnic groups. I saw myself drawing on insights from this work in ways that would mediate the stark opposition between either feminism or multiculturalism, and make it possible to pursue these important components of equality together. I began with an understanding of feminism as a politics of gender equality that sometimes requires policies treating women differently from men, and multiculturalism as a policy agenda designed to redress the unequal treatment of cultural groups and the "culture-racism" to which members of minority cultural groups are often exposed. My initial take on conflicts between these two was to see them in terms of competing equality claims: to say that multiculturalism addresses the inequalities experienced by cultural minorities and feminism the inequalities experienced by women; that both projects draw on a shared commitment to equality; and the two must therefore be balanced in circumstances where they appear to collide. I was not, that is, happy with the notion that one project could simply trump the other. Since both deal with compelling issues of inequality, it could not be appropriate to declare one more fundamental than the other.

In the course of writing the book, things took a different course, both because my ideas changed, and because the world did. Writing in the late 1990s, Okin thought she was dealing with an uncritical consensus, at least among those regarding themselves as progressives, in favour of multiculturalism. Against the backdrop, however, of increasing domestic worries about the economic and social integration of ethnocultural minorities, and rising world tensions over terrorism, the failure of the peace process in the Middle East, and the invasion of Iraq, this rapidly metamorphosed into a retreat. Multiculturalism became the scapegoat for an extraordinary array of political and social evils, a supposedly misguided approach to cultural diversity that encouraged men to beat their wives, parents to abuse their children, and communities to erupt in racial violence. In Australia, a country that declared itself multicultural as far back as 1982 and drew up the *National Agenda for a Multicultural Society* in 1989, a decade of right-wing populism pretty much reversed attempts to define the nation through its multiplicity of cultural groups, and ushered in a more strident assertion of those so-called Australian values that must be upheld against the influx of migrants from Southeast Asia. In the United States, where multiculturalism had become associated with the revision of curriculum and college admissions policies to reflect the diverse experiences of more marginal groups, there was a reaction against what came to be seen as excesses, and a reaffirmation of the supposedly

core values of freedom, democracy, and (a Christian) god. In Europe, where multiculturalism had come to involve a range of legislative and administrative adjustments to meet the needs of the ethnically diverse populations brought together by postcolonial migration, there was a sharp retreat from the rhetoric of multiculturalism—with as yet unknown consequences for the practice. Dating this from the beginning of this century, Christian Joppke noted a “seismic shift” from a language of multiculturalism to one of civic integration.⁴

Here are just two examples. Over the years, Britain had stumbled onto a relatively robust version of multiculturalism, with minority religious groups able to apply for state funding to finance denominational schools, wide-ranging accommodations of dress codes and diets in schools, colleges, and places of work, and a significant number of laws or legal judgments that exempt members of certain ethnocultural groups from requirements that are at odds with their religion or culture.⁵ In a much-cited speech from 1966, Home Secretary Roy Jenkins had rejected the melting pot ideal that would “turn everybody out in a common mould, as one of a series of carbon copies of someone’s misplaced vision of the stereotyped Englishman,” and defined integration “not as a flattening process of assimilation but as equal opportunity, coupled with cultural diversity, in an atmosphere of mutual tolerance.”⁶ The subsequent evolution of multicultural policy was never codified in official statements, and many citizens would probably be surprised to discover the number of small accommodations permitting Sikhs to wear turbans instead of crash helmets, modifying the regulations governing slaughterhouses to allow for halal and kosher meat, or splitting a pension between two widows of a polygamous marriage.⁷ (It is, in fact, rare to see Sikhs taking advantage of their right to wear turbans instead of crash helmets when riding a motorbike, so presumably concerns about road safety have prevailed.) Critics have suggested that the “managers of ethnic diversity” deliberately avoided public debate, preferring to negotiate the practical fixes of multi-

⁴ Christian Joppke, “The Retreat of Multiculturalism in the Liberal State: Theory and Policy,” *British Journal of Sociology* 55, no. 2 (2004): 249. See also Christian Joppke and Eva Morawska, eds. *Towards Assimilation and Citizenship: Immigrants in Liberal Nation-States* (Basingstoke, UK: Palgrave, 2003).

⁵ For a survey of the last, see Sebastian Poulter, *English Law and Ethnic Minority Customs* (London: Butterworth, 1986).

⁶ Roy Jenkins, *Essays and Speeches* (London: Collins, 1970), 267.

⁷ The UK National Health Service (Superannuation) (Amendment) Regulation 1989, SI 1989/804, allows for the splitting of the widow’s pension between two widows of a polygamous marriage. Yet since no one domiciled in the country can legally contract a polygamous marriage, and second and subsequent wives of polygamous marriages contracted in other jurisdictions have no entitlement to join husbands in the United Kingdom for settlement purposes, it is now virtually impossible for this situation to arise.

culturalism “behind closed doors.”⁸ The more accurate reading is probably a process of “multicultural drift”⁹—a series of smallish adjustments and accommodations that added up to a quite substantial practice of multiculturalism. Though not underpinned by any very conscious philosophy, the result was relatively robust. In contrast to some other parts of Europe, for example, there was never much of an issue about Muslim schoolgirls wanting to wear headscarves to school. In most cases where this arose, school governors agreed alternative uniforms that met religious and cultural concerns.

More recently, there has been much talk of the death of multiculturalism, the bigotries of multiculturalism, or multiculturalism turning into “a dangerous form of benign neglect and exclusion.” (This last is from a speech by the chair of the Commission for Racial Equality in 2004.)¹⁰ The events of September 11, 2001, undoubtedly played a part in this. A more local impetus was civil unrest in spring and summer 2004 in the towns of Burnley, Oldham, and Bradford, where young Asians fought in the streets with white racists, and police and property were attacked. In a significant marker of a new approach towards cultural diversity, the Community Cohesion Review Team set up to review the events was charged with identifying good practice on social cohesion. Though its report reaffirmed the vision of Britain as a multiracial society and rejected nostalgia for the “supposedly halcyon days of a mono-cultural society,” it also expressed deep disquiet at the degree of social and residential segregation uncovered in the course of the enquiry, noting that “separate educational arrangements, community and voluntary bodies, employment, places of worship, language, social and cultural networks, means that many communities operate on the basis of a series of parallel lives.”¹¹ It might be thought geographic segregation was the real problem here, and the report did recommend new housing strategies to promote a greater mixing of ethnic groups while ensuring effective support against harassment and intimidation. But despite many useful recommendations, the main message was the need for a “greater sense of citizenship, based on (a few) common principles which are shared and observed by all sections of the community.”¹² Subsequent policy discussions focused on this common core of citizenship values, perceived as the necessary ingredient holding a multi-

⁸ Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge, UK: Polity Press, 2001), 95.

⁹ Runnymede Trust Commission, *The Future of Multi-Ethnic Britain* (London: Profile Books, 2000), 14.

¹⁰ Trevor Phillips to the Civil Service Race Equality Network, London, 26 April 2004.

¹¹ *Community Cohesion: Report of the Independent Review Team* (London: Home Office, 2001), chapter 2, sec. 2.1.

¹² *Community Cohesion*, chap. 2, sec. 2.13.

cultural society together. Incidentally, it is interesting to contrast the rising anxieties concerning cultural segregation with the relative complacency regarding class segregation. The latter has intensified over recent decades, as the gap between rich and poor widens, and the rich increasingly insulate themselves in separate neighbourhoods and schools. Egalitarians worry about this, but it does not seem to evoke the same kind of public hysteria.

The new take on multiculturalism was reflected in the 2004 introduction of a citizenship ceremony for new nationals, involving an oath of allegiance to the queen along with a pledge to respect the rights, freedoms, and democratic values of the United Kingdom—which is not something that existing citizens have to do. A year later, the government introduced a citizenship test, requiring applicants to demonstrate a working knowledge of the English language and life in the United Kingdom, and failing that, complete a lengthy language and citizenship course. In a form of argument that surfaces again and again, advocates of compulsory language classes promoted them in explicitly gendered terms, claiming that they would be particularly valuable in freeing older women from domestic seclusion and their enforced dependence on male family members. The rhetorical retreat from multiculturalism was therefore well under way before July 7, 2005, when four British citizens—three from Pakistani Muslim families but born and brought up in England, and the fourth born in Jamaica and converting to Islam in his teens—killed themselves and fifty-two others on London’s public transport system. At this point, the prime minister declared that “the rules of the game” had definitively changed, introduced wide-ranging discretionary powers to deport nonnationals believed to be promoting or glorifying terrorism, and announced plans for a major review of multiculturalism. Too much toleration of difference, it was suggested, was leaving young Muslims outside the mainstream of society, refusing all loyalties to Britain, available as terrorist fodder.

The reversal in the Netherlands has been even more striking. Respect for cultural identity, including a right to be taught one’s mother tongue in primary schools, had been a notable part of public policy from the mid-1970s. Initially, this reflected the belief that immigrants were only temporary visitors, but when the Dutch government finally acknowledged in 1980 that most migrants would stay for good, similar principles continued to shape policy.¹³ The 1983 Minorities Memorandum marked out the Netherlands as Europe’s most explicitly multicultural regime, committed to addressing socioeconomic disadvantage, but also recognising the right of minority groups to retain and develop their cultural and religious iden-

¹³ Details of the Netherlands are taken from Han Entzinger, “The Rise and Fall of Multiculturalism: The Case of the Netherlands,” in *Towards Assimilation and Citizenship: Immigrants in Liberal Nation-States* (Basingstoke, UK: Palgrave, 2003), 59–86.

tity, and representing this as an enrichment of the entire society. Institutionally, this was reflected in generous subsidies to ethnic organisations and media, the creation of consultative councils at both the local and national level, and an obligation on the part of local and national governments to consult these councils in the development of policy plans. (For those familiar with Iris Marion Young's proposals for the political representation of oppressed groups, these mechanisms come close to meeting her suggestions, with the important difference that the consultative councils were set up at the initiative of the authorities rather than arising out of the self-organisation of minority groups.)¹⁴ Children from specified minority groups were offered five hours a week of instruction in their mother tongue in the public schools, missing, in the process, lessons in core subjects. Access to housing, employment, and education was to be guided by principles of proportionality, though people from minority ethnic groups continued to experience higher rates of school dropout and unemployment along with lower rates of pay.

The emphasis was already shifting by 1994, when the government published a new policy, the Integration of Ethnic Minorities, describing the preservation of minority cultures as a responsibility of each specific community and no longer a public commitment. As in the case of the United Kingdom, the shift in language is important, for the term integration was previously regarded as having unacceptable overtones of assimilation. In 1998, a new law, Civic Integration for Newcomers, gave local authorities the power to require migrants from outside the European Union to attend five hundred hours of language training and one hundred hours of training in social and civic skills. Again, the justification was partly gendered. Han Entzinger, one of the proponents, argued that mandatory courses made it easier "to include categories that otherwise can be difficult to reach, such as traditional Muslim women or school dropouts."¹⁵

Over the next few years, reservations about Dutch multiculturalism continued to be linked to the treatment of women in Islam. Ayaan Hirsi Ali, a young Dutch Somali woman elected to Parliament in 2003, became a particularly prominent voice, representing Islam as responsible for forced marriages, female genital mutilation, and honour killings. In 2004, she worked with filmmaker Theo Van Gogh on the film *Submission I*, which denounced violence against Muslim women. Van Gogh was subsequently killed by a young Dutch Moroccan, who left a letter warning that Hirsi Ali was his real target, and anti-Muslim violence temporarily erupted across this previously model multicultural country. By December

¹⁴ Iris Marion Young, *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 1990).

¹⁵ Entzinger, "The Rise and Fall of Multiculturalism," 76.

2005, a majority of Dutch parliamentarians supported a motion calling for a ban on women wearing the niqab or burka in public spaces—not just a ban on teachers or pupils wearing it in schools (at least debatable, on the grounds that teaching depends on face-to-face communication), and not just a ban on public officials wearing it in courtrooms (again, at least debatable, on the basis of secularism or security), but a ban on *any* female walking down the streets dressed in a burka. Inspired by this, the minister for immigration and integration said she favoured the introduction of a code of conduct to emphasise Dutch identity, which would include an expectation that citizens speak Dutch in public. This was re-creating from multiculturalism with a vengeance.¹⁶

The retreat forms the political context for my book, which should be read as arguing for a different kind of multiculturalism—but for multiculturalism nonetheless. Neither the one-sided assimilation that preceded talk of multiculturalism nor the more generous cosmopolitanism that has followed it satisfactorily address the power inequalities that provide the normative case for multiculturalism, while the strident assertions of national identity that have characterised the post-September 11 world make the case more urgent than ever. My object, however, is a multiculturalism without culture: a multiculturalism that dispenses with the reified notions of culture that feed those stereotypes to which so many feminists have objected, yet retains enough robustness to address inequalities between cultural groups; a multiculturalism in which the language of cultural difference no longer gives hostages to fortune or sustenance to racists, but also no longer paralyses normative judgment. I maintain that those writing on multiculturalism (supporters as well as critics) have exaggerated not only the unity and solidity of cultures but the intractability of value conflict as well, and often misrecognised highly contextual political dilemmas as if these reflected deep value disagreement. Though there are important areas of cultural disagreement, most do not involve a deep diversity with respect to ethical principles and norms, and many are more comparable to the disputes that take place *within* cultural groups.

In developing this argument, I query what I see as one of the biggest problems with culture: the tendency to represent individuals from minority

¹⁶ At the time of writing, it seems there will not be a ban on the niqab or burka in public spaces. In May 2006, a television documentary “revealed” that Hirsi Ali had given false information at the time of her application for asylum in 1992. Though Hirsi Ali had openly acknowledged this when she entered national politics, she was told (by the same minister of immigration and integration who had previously suggested a ban on the niqab) that she was not, therefore, a Dutch citizen. Hirsi Ali resigned her parliamentary seat and announced that she was moving to the United States. The minister of immigration came under heavy criticism from other members of the political elite, and in June 2006, the government announced that Hirsi Ali would retain her Dutch citizenship.

or non-Western groups as driven by their culture and compelled by cultural dictates to behave in particular ways. Culture is now widely employed in a discourse that denies human agency, defining individuals through their culture, and treating culture as the explanation for virtually everything they say or do. This sometimes features as part of the case for multicultural policies or concessions, but it more commonly appears in punitive policies designed to stamp out what have been deemed inappropriate or unacceptable practices. When, for example, European governments decide that the best way to protect young Moroccan, Turkish, or Bangladeshi women from being forced into unwanted marriages with strangers from their parents' country of origin is to ban marriages with overseas partners for anyone under the age of eighteen, twenty-one, or twenty-four, they represent young women from these groups as incapable of agency. They operate on the (highly stereotypical) assumption that all parents from these cultural groups are coercive and all young women are submissive, and hence, that any marriage arranged with an overseas partner should be regarded as forced. I argue that a more careful understanding of culture provides a better basis for multicultural policy than the overly homogenised version that currently figures in the arguments of supporters and critics alike. A defensible multiculturalism will put human agency much more at its centre; it will dispense with strong notions of culture.

I focus on areas of contestation where a sensitivity to cultural traditions has been employed to deny women their rights or principles of gender equality have been used as a reason to ban cultural practices, and I draw on a growing feminist literature that sees the deconstruction of culture as the way forward in addressing tensions between gender equality and cultural diversity. My own approach is closest to those who have noted the selective way culture is employed to explain behaviour in non-Western societies or among individuals from racialised minority groups, and the implied contrast with rational, autonomous (Western) individuals, whose actions are presumed to reflect moral judgments, and who can be held individually responsible for those actions and beliefs. This binary approach to cultural difference is neither helpful nor convincing. The basic contention throughout is that multiculturalism can be made compatible with the pursuit of gender equality and women's rights so long as it dispenses with an essentialist understanding of culture. I have somewhat polemically described my project as a multiculturalism without culture.

Chapter 1 sets out the main themes by reference to the notions of culture employed in the political theory and feminist literatures, and identifies the main normative issues. Chapter 2 provides a more detailed exploration of the concept of culture, drawing on arguments in the anthropological literature of the last twenty years, and confronts the most obvious alterna-

tive—cosmopolitanism. Chapter 3 focuses on cultural defence, based primarily on cases from the English and U.S. courts. Chapter 4 addresses notions of culture as constraint that figure in the case both for and against multiculturalism. A central part of the argument in both chapters 3 and 4 is that culture needs to be treated in the more nuanced way that has become available for class and gender: that is, as something that influences, shapes, and constrains behaviour, but does not determine it. Chapter 5 looks at questions of exit, suggesting that the right to leave an oppressive family or group does not provide enough protection for “at-risk members” partly because it does not attach *enough* significance to cultural belonging. Chapter 6 pulls together the various threads of my argument as regards the relationship between the individual and the group, and spells out in more detail what this means in terms of some specific policy questions.

A final note on style. My first draft was liberally sprinkled with scare quotes in order to distance myself from conventional usages of terms such as race, culture, ethnicity, and so on. Given that culture is the most over-used word in the book, this made for untidy reading. I came to the conclusion that it was also unnecessary. Since the explicit claim is that culture is a problematic term, it was a bit patronising to feel I had to remind the reader of this every time I employed the word. Having decided to drop the scare quotes for culture, there seemed no good reason to retain them for ethnicity or race.