INTRODUCTION

Western countries are aware and worried about many practices such as Clitoridectomy, agreed marriages, burka, polygamy etc. However, can we legitimately prohibit these practices in liberal cultures and at the same time permit breast enlargements, prostitution etc? This essay doesn’t look into this concrete practices, but is concerned on one hand, with the tension between the rights and protection of the minority cultural groups, and on the other hand with gender equality. Many authors like Susan Okin, Iris Young, Sheila Benhabib, Will Kymlicka and Chandran Kukathas, just to name some, have contributed into the debate between feminism and/or multiculturalism. I will here try to take some of their arguments in order to build a new way to accommodate feminism and multiculturalism. To do so, I will organize my argumentation as follows.

Firstly, I will briefly defend the existence of minimum common sex discrimination across all cultures. I will then present the conflict between feminism and multiculturalism and some problems derived from the idea that group minorities must be protected when they are intrinsically liberals.

Secondly, I will point out how liberalism is not gender neutral, and therefore, why despite that we request minorities to be internally liberals we will not be avoiding gender discrimination within them. Therefore, I will claim that we can’t make this request through a feminist discourse.

Thirdly, in order to introduce feminist reasons in the right’s protection of the minorities I will claim the necessity of changing the circumstances, which doesn’t have to be understood as the elimination of the different cultures, but as a way of enabling them to redefine in a non-gendered way, as some Muslim and Catholic feminists are already defending. My main argument will be that, once liberal societies move towards a real gender egalitarian society, they will be in the position to require internal conditions to
minorities for their protection through a real liberal and feminist discourse. Therefore, I will defend the necessity of a deliberative process within every culture to let every of its members redefine it.

Finally, I will defend the necessity of a gender egalitarian ethos across cultures, which must include both majority and minority cultures, as a way to finally avoid the conflict between multiculturalism and feminism.

**FEMINISM AND MULTICULTURALISM: SOME TENSIONS**

Susan Okin questioned the theories of universal justice in *Justice, Gender and the Family* (1989) by saying that these do not include large groups, more precisely - and this is one of the earliest critics of the feminist movement - only considers the vision of universal adult heterosexual white man, who has designed the dominant worldview along history, through relations of domination and power.

However, she has also been criticized on the grounds that she affirms that sexism is a form of oppression that can be identified worldwide. This anti-essentialist critique comes mainly from postmodernism and feminist theorists from ethnic minorities in the United States and Britain, who argue that there are differences between the diverse realities of women according to social, cultural and economic models. For this reason, they argue that some of the analysis of modern feminism are only useful to the first world and don’t attach to the reality of women in the third world, or even too, to the non-white middle class women in the first world. So, is it that feminist theories do not make sense in other contexts but in where they were developed?

Okin answers in “Gender Inequality and Cultural Differences” (1994) that sexism is a form of oppression identified beyond class, race or culture and by saying so, she isn’t underestimating the oppression of race and class.

“So long as we are careful and develop our judgments in the light of empirical evidence, it is possible to generalize about many aspects of inequality between the sexes. Theories developed in Western contexts can clearly apply, at least in large part, to women in very different cultural contexts. From place to place, from class to class, from race to race, and from culture to culture, we find
similarities in the specifics of these inequalities, in their causes and their effects, although often not in the extent or severity.\(^1\) (1994, 20-21)

To prove this, she carries out an analysis of the life situation of women in the Third World, and identifies some common problems; however, she also observes that poor and black women suffer them in a more severe way. Okin identifies that women are affected, although in different ways, by the unequal structures and practices of the family life. This situation worsens their inclusion in the wage labor, with all the consequences that are derived; the most important is a minor or inexistential empowerment of all women in relation to men in the public and private spheres.

Moreover, she will add that those who claim that sexism isn’t a worldwide problem in order to avoid the conflict between multiculturalism and feminism, what are really trying to do is to justify antifeminist-cultural-practices. So, regarding the tension between feminism and multiculturalism, I believe that there is a common sexual discrimination and therefore, we can elucidate general theories, however, there are no answers or standard public policies that can be applied beyond every cultural context. The recognition of the existence of gender domination is a first step needed to develop responses that will then have to adapt to each cultural situation.

Feminism and multiculturalism are in tension in liberal societies where there are minority groups that demand rights of protection for their differentiated culture to the majority group. The tension arises because in most religions and cultures, the group identity is expressed through gendered rules that take place in the private sphere. Thus, if majority cultures give protection to minorities no matter what, we will be protecting customs that discriminate women. As Seyla Benhabib puts it: “in doing justice to the defendant [men], injustice is done to the victims [women] of this same culture” (Benhabib, 2002, 88)\(^2\). This tension can derive into two problematic situations:

(1) One is that anti-multiculturalists can use an apparent feminist agenda to impose their policies against minority groups;

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\(^1\) Susan Okin, “Gender Inequality and Cultural Differences”. Stanford Unversiy Political Theory, Vol. 22, No. 1. (Feb., 1994), pp. 20-21

(2) The other is that multiculturalists can accept anti-feminist practices in order to protect minority groups, at any price.

I do believe that minority groups must be protected, but at the same time I also reckon that minorities within minorities, although women represent half of the members, must be protected.

So, in order to avoid these two problems stated above, I will defend that:

(a) Liberal cultures are not gender neutral and therefore, they can’t **legitimately** use a feminist discourse to prohibit protection to sexist minorities.

(b) It is **incoherent** to protect illiberal practices, such as gender discrimination, from a liberal discourse.

So, in this essay, I am going to skip the discussion of whether minority groups deserve protection or not, and if they do, under what circumstances, but I am going to focus on how we can justify the requisites that the liberal majority culture imposes to the minority to grant its protection.

**FEMINISM AND LIBERALISM: SOME TENSIONS**

The two arguments, (a) and (b), presented to avoid the two problems, have their roots in the claim that there is false liberal gender neutrality. This false gender neutrality entails on one hand, that liberal multiculturalists consider that once minorities are intrinsically liberals, individual rights and women rights will be granted and on the other hand, that anti-multiculturalists can claim the prohibition of sexist minority practices from a false position of gender neutrality.

However, many feminists have contributed to show how liberalism is not gender neutral and how, beyond liberal institutions, women rights’ are still violated.

Justice in the classic liberalism refers to the public sphere in opposition to the private sphere. If in the public realm, adult men agree and define the rules, norms and conventions, in the private realm the familial relationships are designed according to “natural” instinct and sympathy and are free from political intervention. What the contemporary liberalism has added to the classic liberalism is that women can also
interact in the public sphere; thus, sexual equality is only granted in the public realm. Feminists have helped to denounce the division of the spheres and to show how theories of justice only apply to the public sphere and don’t analyze the unequal division of labour and power within the families, as it is considered to be a natural division. So, feminists argue that liberals must choose between their commitment to sexual equality and their distinction between the public-private spheres.

If we have a look at the numerous existing family laws, we will discover how the private sphere isn’t free from political interference as it should be according to the liberal theory. Hence, it is and incoherence not to include the family in the civil society and to rule it with the same liberal principles, which would mean the abolition of hierarchies and the equality of opportunities and power between both sexes. The supposed natural division of labor in the private sphere derives into the oppression of women within the family and into a minor range of opportunities in the public realm; therefore, women can’t fully exercise the two moral powers equally to men. So, they are disadvantaged in the capacity of exercising and acting from a “sense of justice” and “the capacity for a conception of the good: the capacity to have, to revise, and rationally pursue a conception of the good”\(^3\). According to Rawls, the two moral powers are a requisite of a liberal society; hence, the public-private distinction facilitates an illiberal situation. By saying so, I am oppositely answering to Sawitri Saharso when she affirms that “in our private life we have a right to choose for sex discriminatory practices” (Saharso, 2008, 15)\(^4\). As feminists have shown, there isn’t a private life from a liberal perspective, and gender discrimination is illiberal, so we only can embrace her conclusion from illiberal premises. Therefore, liberal theorist should give up their commitment to this dichotomy and embrace all the consequences that would be derived. To do so, Okin proposed to include the family in the basic structure to hold it into a liberal scrutiny, from which it was derived a long list of structural reforms, such as a new divorce law.

So, if gender discrimination is illiberal, how can we justify the protection of minorities? Kymlicka would say that as long as they are intrinsically liberals they must be protected.

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However, even if we accept to protect minorities that are internally liberals as it is commonly understood, we will not be giving a solution to the conflict between multiculturalism and feminism because discriminatory practices will persist, unless we reformulate liberalism by including the feminist critiques about the private and public sphere.

In conclusion, liberal cultures can only prohibit minority group’s practices if these are illiberal; however, in order to prohibit them through a real feminist discourse, liberalism must be reformulated taking into account that gender discrimination in both spheres is illiberal.

A GENDER EGALITARIAN SOLUTION

A way to solve the legitimacy and incoherence problems by bringing in all what has been said in the previous part, is the argumentation that follows;

Liberalism should be redefined so as to include gender equality in both spheres. By doing so, liberal majority cultures would gain legitimacy to use the feminist discourse when refusing to give protection to minority cultures, and it would also become coherent to protect minorities from the liberal argument which says that they must be intrinsically liberals (understood as the new reformulated liberalism). To carry out these ambitious assumptions, two stages will be needed.

First of all, liberalism must be reformulated from a feminist perspective. Susan Okin devoted much of her research to this end, in concrete in her critique and reform of Rawls’s Theory of Justice. She claims that family justice is needed for social justice. Therefore, the family and the basic social institutions must be subject to scrutiny, which

means that in Rawls’s original position we have to consider gender issues. This brings her to list a number of reforms that should be done in order to eliminate gender, as she strongly affirms that gender can’t coexist with justice.

If we bring these theoretical assumptions to practice, and we understand that no majority culture is enabled to design a neutral normative framework, we must move from the scrutiny under the veil of ignorance to the second stage, which is an autonomous, inclusive and open deliberative process within every culture. As Monique Deveaux (2006) puts it:

“[…]a deliberative democratic approach to resolving disputes about the value and status of cultural practices will require that female members of cultural groups have a voice in evaluating and deciding the fate of their communities’ customs, both by including women in formal decision-making processes and developing new, more inclusive, forums for mediating cultural disputes.”

Moreover, Seyla Benhabib (The claims of culture: Equality and Diversity in the Global Era, 2002) reminded to the multiculturalists theorists, that cultures aren’t clearly defined wholes. She challenged the belief that cultures are internally homogeneous and unchangeable. She claimed that we should understand cultures as continually dynamic networks, not static entities; they are continually creating, re-creating, and renegotiating the imagined boundaries between "us" and "them."

However, this process will take place in gendered societies and therefore, the deliberative process will have to face some difficulties. Women will face impediments to participate in this deliberative process that can come from cultural barriers within their communities and also from their internalized psychological barriers. “Deliberative democratic multicultural politics does not [and shouldn’t] confine women and children to their communities of origin against their will, but [should] encourage them to develop their autonomous agency vis-a-vis their ascribed identities” (Benhabib, 2002, 86). However, how is this "autonomous agency" to be developed? How can we distinguish autonomous agency from the cultural flows around that are shaping their desires?

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So, we should maybe leave apart the problem between multiculturalism and feminism as it was formulated by Okin, and move towards an agreement of what is the minimum and common oppression of women around the world to try to figure out how we should, or if we should, enable a deliberative process within every culture. My position in this debate has been made clear in this paper. I claim that these deliberative processes have to be autonomous and inclusive within every culture, nevertheless, they must have a common basis; they must start from the same liberal egalitarian premises if we are truly considering finding the just way to include minorities within liberal majorities.

**Final considerations**

Finally, I would also want to shortly add one consideration according to my belief that Okin’s reform of the basic structure isn’t enough to solve sexual inequalities, and as I have focused this essay on the abolition of the gender bias as a requisite for liberal multiculturalism, I should explain my objection. I intuitively consider that a reform of the basic structure, which means creating new rules, it isn’t enough and that we need new attitudes. Thus, I consider that a gender egalitarian ethos is needed. I agree with Gerald Allan Cohen (Where the Action Is: On the Site of Distributive Justice, 1997) when he argues that the inclusion of the family within the basic structure will only become a gender egalitarian solution if principles of justice don’t only apply to the basic structure. I submit to Cohen’s approach but I also accept Okin’s proposal of structural reforms although I also consider them to be insufficient. It follows an example that reinforces this argument.

As I have stated before, the common sex discrimination come from structures and practices in family life, that’s why feminist theorists have been widely discussed the need to end with the sexual division between domestic and public work, a problem that affects most of the women around the world. One of the solutions presented by Western feminists is to remunerate the domestic work as public work. However, most feminists agree with the idea that this solution doesn’t solve this division but reinforces the problematic situation because women will still be relegated to housework. Therefore, I do believe a reform of the legal structure is still necessary, but I also think it is insufficient. If we truly want the achievement of a just and non sexist society, we need
those structural reforms combined with an essential change of attitude. This is another reason why I strongly defend an open deliberative process within every culture. Nevertheless, although I believe that inequalities would persist with a corrected liberalism, I also think it would be a big step towards gender equality. My claim presented in this article is already defiance and difficult to apply, that’s why I am going to leave the gender egalitarian ethos, but I still wanted to present its relevance.

CONCLUSION

My major aim has been to elucidate how liberalism is not gender neutral and what effects it has in the legitimacy and coherence of the discourse of majority cultures when giving or not giving protection to minority cultures. My claim has been that there must be a deliberative process within cultures to diminish gender inequalities and also to discern whether practices are cultural or sexist. However, this is a long-term aim, so, what should we do in the meantime as this is one of the big issues that states are facing at the moment?

We have seen that there are no 100% liberal cultures as in all of them there are sex discriminatory practices. Therefore, the argument for giving protection to minorities based on if they are intrinsically liberals isn’t valid if we want to find a solution to the tension between feminism and multiculturalism. So, if we understand liberalism not as a poled dichotomy but as an axis, where would be the tipping point by which we can consider that a majority can give protection to a minority? I leave this question open hoping that there will be further discussion.