

ARE HUMAN RIGHTS UNIVERSAL? WOMEN'S RIGHTS VERSUS CULTURAL PRACTICES

I. Susan Okin asks the question of whether multiculturalism is good for women's rights? She largely judges that it is not. She argues that persons who endorse the moral and equality of men and women should be skeptical.

A. What is Feminism? What is Multiculturalism?

1. Feminism - Women should not be disadvantaged b/c of their sex; that they should be recognized as having human dignity equal to that of men; that they should have the opportunity to live as fulfilling and as freely chosen lives as men can.

2. Multiculturalism - the claim made within liberal democracies that minority cultures or ways of life are not sufficiently protected by the practice of ensuring the individual rights of their members. Therefore, special group rights should also protect the group.

B. Okin argues that most cultures are suffused with ideologies and practices regarding gender. As importantly, most of these ideologies and practices disadvantage women. Moreover, within these cultures the more powerful men are better positioned to determine and articulate the group's beliefs, practices, and interests. Therefore, protecting a given culture with "group rights" usually means disadvantaging some portion of the individual members within the group. Why has this simple critique been ignored? Two reasons, according to Okin.

1. They tend to treat cultural groups as monoliths. They pay more attention to differences between groups than within them. They ignore the gendered dimensions of the minority cultures.

2. Advocates of group rights pay little or no attention to the private sphere, preferring instead to argue that culture is important in shaping what people come to regard as a "good life." The actual content of the culture is not deeply probed. But this is the main problem for Okin.

C. Cultures and Traditions are Sexist and Patriarchal: The content of culture matters, since much of it concerns the private sphere, where ideas and practices are deeply gendered as they typically revolve around reproduction, marriage, and family life. Within many cultures (mostly non-Western), women are denied basic liberties regarding reproductive and marriage choices. It is not only then those women are denied these basic choices, but as importantly (and linked), such authority and power over those decisions are given to men.

1. Examples: Female Genital Operations; Polygamy; Rape laws where men are exonerated of charges if they marry or just offer to marry the victim for the purposes of "family honor."

D. According to Okin, western cultures are less sexist and patriarchal. More emphasis is placed on women's physical attractiveness and domesticity is still highly valued. Women are subjected to sexual violence. Women are most often engaged in unpaid work and are, many times, disadvantaged in marriages, esp.

around divorce time. Yet, women do enjoy the same basic freedoms as men and are subject to the same protections of the law.

E. Where legal cases have arisen in Western liberal democracies, the courts have had to weigh the claims of individual women members against the "cultural defenses," usually offered by the male defendants. The problem with these "cultural defenses" is that they: 1) resonate w/ past sexism of American law (i.e. the passion defense over adultery or a woman, who did not resist rape, thereby consented or a woman provoked a rape.) 2) These defenses disadvantage immigrant women in U.S. courts, by denying the protections of US law, by applying it unfairly. (Why should an immigrant man receive a reduced sentence for rape just b/c he's from a different culture?)

F. The Liberal defense for group rights: According to Will Kymlicka, individuals require the self-esteem that group cultures can provide. A minority culture requires special protections, lest it be swept up within the majority culture - thereby denying minority group members the opportunity to live their lives as they see fit. Yet, Kymlicka argues that such minority cultures should only be protected if they are themselves liberal, meaning that they are sufficiently mindful of individual autonomy.

Why must the minority cultures be liberal? B/c we are concerned with cultural membership precisely to preserve choice (meaningful cultural choices for minority group members). Thus, a minority group that denies individual choice violates this basic principle.

G. All of this leads Okin to ask whether certain of these cultures ought to be preserved. Maybe they should be extinct - if we take individual rights of women and girls into account.

F. A Solution? Okin ends by arguing that group rights are only acceptable if:

- 1) The private sphere of the culture is subject to scrutiny.
- 2) The voices of all group members are heard - women and the least advantaged - not just men and the powerful when negotiating group rights.