

What went wrong with Saman's story?

Cultural practice, individual rights, gender and political polarization.

*0. Introductory notes*

Our argument takes off with the story of Saman Abbas, an 18-year-old girl of Pakistani origin, based in Italy, who last year disappeared and was probably killed by her family after she refused the arranged marriage with a cousin of hers. Saman lived with her family near Modena, apparently integrated with the local society, had a boyfriend of her choice and did not submit to the traditional patriarchal rule. When she was 17, she denounced her family's abuses and found refuge in a protected house for minors. When she became of age, her mother lured her home with the promise of giving her a passport and giving her freedom to live her life. Once back home, though, her documents were kept from her. Saman denounced her parents to the local police once again. The police did not accompany her home right away, but went to her family house a few days later to find it empty: Saman had disappeared and her family had fled back to Pakistan. After a long search, one of her brothers was found: he confessed that Saman was killed by an uncle with the complicity of the whole family, though her body had not been found yet.

Saman's story made a great resonance on national media and in public debates, as well as on the web. The political controversy was led by right-wing politicians and opinion leaders, who accused the left-wing parties of being culpably blind to the danger of Islam and too tolerant towards illiberal cultures. The left-wing parties and spokespeople responded that in this case there had been not an excess of toleration but rather a failure of social services and police forces to protect women, whether Italian<sup>s</sup> or of immigrant origin. In other words, this latter position tended to equate Saman's killing with the domestic killing of Italian women, taking place with horrible regularity. Such a defense, though not devoid of substance, yet missed understanding and properly considering the specific case of Saman, where gender oppression was intersected with oppressive traditional practices and codes of honor. Beyond the political dispute, very much tailored to the contemporary polarization between populist parties and liberal-progressive politics, this sad story raises a more profound question, insofar as, at first sight, it seems to vindicate Susan Okin's thesis that "multiculturalism is bad for women" (1998), or more emphatically that non-western cultures are polluted by dangerous forms of patriarchy and that non-western women are better protected by liberal individual rights than by any form of multiculturalism. As an activist for migrants in the area acknowledged, in that territory

social work had been done with groups of immigrant origin, but it was mainly focused on intercultural and interreligious dialogue, ignoring the gender issue as if cultural integration was pursued at the expense of gender equality.

We shall argue that in order to grasp and deal with cases like Saman's the issue of gender equality should be faced together with that of the fair inclusion of immigrants. It would seem that such a goal might be greatly helped by the literature on intersectionality. Saman is in fact the perfect instantiation of intersectional forms of oppression. On the one hand, her Pakistani origin and Muslim religion made her a stranger in a white and Catholic culture, a potential target of cultural exclusion and discrimination, and, on the other, being the daughter of a traditional Pakistani family subjected her to patriarchal rule within her own family. Thus, in the first section of this article we will review the work on intersectionality to see whether we can find some clues for dealing with this case. The second section will specifically focus on the discussion provoked by Okin's article on multiculturalism and feminism, trying to see whether these two perspectives can be fruitfully combined. Okin's position states that the two cannot be reconciled, and that the recognition of cultural rights represents a risk for women. But multiculturalism cannot be equated with the recognition of cultural rights, just as feminism cannot be identified with liberal feminism.

Hence, the question which we shall take up in the third section of this article: must the quest for women's autonomy necessarily imply a distancing from the cultural choices, from the "adaptive preferences" of women from post-immigrant groups? In the fourth section of the paper we shall try to move the discussion on feminist autonomy and authenticity to the political level. We will query whether the political implications of such a discussion would point to stricter limits on the toleration of cultural practices in order to prevent adaptive choices of women from post-immigrant groups. Our conclusions reconnect with Saman's story. Would legal restrictions on cultural practices have prevented Saman's terrible end? After rehearsing what cultural practices means and what legal restrictions for the defense of individual rights are in any case present, we will answer in the negative and put forward different kinds of preventive measures that may, we hope, be more successful.

### *1. Intersectionality: what can be learnt?*

The intersectional approach to feminist studies derives from the consideration that the experience of women of color did not seem to be included in either the category of gender or in that of race (Crenshaw 1994, Glenn 1999, Collins 1990, 2000). Gender seems to describe the oppression of white women, while race the oppression of the black men, thus making black women, located at the intersection between the two, invisible in their double oppression. The term was originally used by

Kimberlé Crenshaw who showed that in legal battles against work discrimination, black women's discrimination dissolved as a consequence of their intersectional invisibility (Crenshaw 1989, 1994). Intersectionality allows then to highlight the position of people, not just black women but anyone, caught between two or more axes of oppression, who tend to lose out in the struggles against discrimination along a single axis. Intersectional oppression, so it is argued, does not simply add one category of oppression to another, but typically overlaps the two or more in an irreducible way.

Despite the volume of work produced in feminist philosophy, as well as in political science, intersectionality remains a very controversial issues within feminism; this is partly due to the ambiguity of the concept since it is unclear whether intersectionality refers to identities (it makes visible special identities *different* from those defined by gender or race) or whether it refers to special experiences of oppression which need to be brought to awareness and self-awareness or, lastly, to complex structures of domination; in this last case, intersectionality is an analytical category with which to theorize the social world. If referring to special identities, intersectionality has raised the worry that it multiplies genders, denying any commonality of purpose to women across social differences (Zack 2005, Nash 2008). If intersectionality refers to the specificity of the oppression of subjects at the intersection, it would seem that voicing such subjective experiences defines the political program of resistance against domination, entrusting the task of liberation to counter-narratives (Zack 2005). If by intersectional approach is meant a method of exploring complex structures of power and domination, caused by different categories acting not only in cumulative, but also in multiplicative ways (McCall 2008, Weldon 2006), the two risks just mentioned are bypassed, but what such a method can achieve is a more sophisticated analysis of social oppression, though not a paradigm for liberation (Hancock 2007).

For the purpose of the present paper, however, suffice to draw some considerations and clues for dealing with cases like Saman's. A first general consideration refers to the fact that the intersectional approach does not provide any normative guidelines for social reforms against structural oppression. The intersectional approach is seemingly equipped to make visible and give voice to the subjective experience of oppression, yet the normative arguments and strategy to remedy the oppression are not touched, as though they could emerge automatically out of the rendering of the subjective experience. Often in feminist thinking the subjective dimension seems to be sufficient for social change; it may possibly be sufficient to motivate women to participate actively in a liberation movement, but hardly provides and justifies a strategy to fight oppression and discrimination.

Among the suggestions from intersectionality that fit our case, we mention the disclosing of the space of relative privilege within the hierarchy of social oppression: given that oppression and, symmetrically, privilege are not structured along a single axis, but at the intersection of different axes,

it turns out that an oppression relating to one dimension is compatible with a privilege along a different dimension. Female gender can intersect with whiteness and being middle class, making a white middle class woman relatively privileged compared to black or poor women, yet oppressed by gender inequality. Similarly, a black man, who suffers racial discrimination, is relatively gender-privileged vis-à-vis black women. Intersectionality, while making visible the multiplicity of oppression befalling, for example, black women, makes simultaneously visible the relative privilege enjoyed by agents in certain structural positions (Carastathis 2008). Coming now to Saman's case, what we can learn from the intersectional approach is this: as a daughter of an immigrant family in a Western country, presumably she had to fight to be acknowledged as an equal in the receiving society, and then, moreover, she had to fight at home. Yet, the power that family's males had over her was exercised by immigrants who, as such, suffered a different kind of oppression comprising labor exploitation, mistreatment as pariahs and aliens, misrecognition as equal citizens.<sup>1</sup> The abuses and the final violence to which Saman was subjected was in any case unjustifiable, but in order to address like cases, and prevent Saman's end, the immigrants' oppression should be considered as well. For one thing, gender oppression within the family is usually reinforced if the surrounding social context is perceived as hostile and the feeling of social powerlessness exacerbates a man's will to control the women of his family. For another, the perception of the receiving society as hostile reduces the chances that discourses on gender equality may be well-received, especially if passed on with what we may call the 'missionary approach'. Feeling they are treated as barbarians does not dispose the men of immigrant groups to revise their approach to women and family.

This consideration does not imply either that the crime against Saman should be blamed on culture or that forms of cultural recognition could in any way have prevented the murder. Our consideration is meant only to stress, first, that Saman's murder presents a specificity compared to cases of domestic violence of Italian men against their wives, ex-wives or partners, a specificity illuminated by the intersectional oppression of Saman. The crimes of both Italian and Pakistani men are instantiations of gender oppression translated into violence but in a different background of, respectively, white privilege, on the one side, and immigrant oppression on the other. Second, cases like Saman's cannot be addressed simply by strengthening the level of institutional security for women, nor by ostracizing an "alien culture" as a whole. Cases such as Saman's should be prevented by also addressing the marginal and exploited condition of immigrant groups, for that is the point of departure to start a deconstruction of the patriarchal rule of the family.

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<sup>1</sup> For a sense of the immigrants' situation in the workforce and in society see the report of the Italian Labor Ministry on the Pakistani Community 2021 and the Report on Immigration by the Fondazione Migrantes 2020.

Before jumping to normative conclusions, let us see what the literature on multiculturalism and its feminist critique can teach in this respect.

## *2. Multiculturalism and feminism: do they always part company?*

Among the many positions in multicultural studies, Kymlicka's is the most eminent. His multiculturalist proposal is to endow minorities with cultural rights, that is a collective right to safeguard minorities from a majority's domination and even oppression (Kymlicka 1995, 45-8). Lacking cultural rights, minority groups are at risk of being deprived of a 'context for choices' – guaranteed by one's own cultural background – which is 'spontaneously' available to the majority (Raz 1994). Cultural rights then amount to providing minorities with the same opportunity available to the majority.

Kymlicka's argument for liberal multiculturalism can be recapitulated as follows: cultures are the necessary contexts for individuals to develop their autonomy, cultures providing the options from which individuals can choose and forge their identities. To thrive in the wider society, minority cultures should have external protections from the majority culture. If external protections are the barriers against cultural domination, internal restrictions are, then, unjustified: internal restrictions imply the rights of the cultural group to enforce its rule on individual members, generally women and children, who constitute the vulnerable subjects in that group. Not only do cultural rights not include internal restrictions, but individual members also enjoy the right to exit to protect them from the group's dominance over their individual rights. The distinction between external protection and internal restriction, however, has always looked problematic: if groups want to maintain their cultural distinctiveness, then it is difficult to avoid some compression of members' individual rights and the right to exit is certainly not enough for the protection of the individual, given its costliness. This criticism has been often advanced in the last two decades, so we will not unravel it.

Rather, we would like to critically comment on the strict connection that Kymlicka and others posit between individual autonomy and culture. 1) if culture is the necessary context to express one's autonomy, cannot the majority's culture represent that context? In other words, are group-rights the best way for a fair multicultural society? 2) How can one develop one's autonomy in a culture that bars a person of any relevant options? The matter is further complicated by considering the rights of women within cultural groups; in fact, they often represent a minority within the minorities, i.e., the most vulnerable people within cultural groups. Thus, 3) are a group's rights compatible with women's rights within the group? 4) and is the right of exit mentioned above easily accessible for women within these groups? 5) Are women really free to leave the group? Here, in a nutshell, we are

confronted with the so-called Okin's dilemma, i.e., whether minorities should be acknowledged cultural rights even if the latter may jeopardize the rights of women – who often represent oppressed minorities within minorities – or, on the contrary, whether the protection of the rights of women to equal freedom and respect should take precedence.

Okin argues that not only would multiculturalism not benefit women, but a liberal state should act positively not to protect cultures but, on the contrary, to discourage certain cultures from perpetuating their traditions insofar as they do not accord with women's equal dignity (Okin 1998). Okin's position has been in turn widely criticized by those who see in it an excess of 'culturalization' of groups; this means that, by emphasizing the differences between cultures, Okin gives the impression that each reproduces itself in isolation. She seems to imagine women in traditional societies as inescapably slaves, deep in a kind of 'false consciousness' that leaves them incapable of becoming aware of their oppression (Phillips 2007, 26; Kukathas 2001). In her perspective – her critics observe – culture is employed as denying human agency, specifically women's; individuals are defined through their culture and culture is in turn treated as the explanation for everything they say or do (Phillips 2007, 9). This attitude corresponds to a general double standard dealing with minorities and non-Western groups compared with Western majorities: while the acts of majority members are attributed to individuals, the acts of minority members are attributed to their culture: domestic violence in the first case is imputed to disturbed white men, and in the second to traditional patriarchy, as if outside the majority there is no agency, only cultural determination. (Volpp 2001). But *pace* Okin, cultures are not unified structures of meaning; there are differentiations to be made between cultural traditions, peoples, territories, and policies. Thanks to Okin, the debate around feminism and multiculturalism has been polarized, and little attention has been paid to the fact that cultures are often crossed by internal contestations. Any view of cultures as clearly delineable wholes is a view from the outside that pursues a non-existent coherence for the aims of understanding and control (Benhabib 2002, 5); at the same time, by reifying differences, one should be aware that asserting cultural distinctions works not only to homogenize totally different people, but also to establish a hierarchy between them (Phillips 2021, 101).

Unrealistic interpretations, such as the one that sees people, especially women either as individuals free to choose and leave their cultural background, or imprisoned within cultures and deprived of the capacity for any autonomous decision-making (Benhabib 2002, 86), as well as double standards viewing people of the majority as individual agents and people of the minority as locked in and determined by cultures (Volpp 2001), should be abandoned both for descriptive and for normative reasons. Cultures are not voluntary societies the members of which can join or leave according to their contingent preferences (Kukathas 2003), but neither are they necessarily cages in which

individuals are 'labelled' by the characteristics ascribed to them because of their membership. Acknowledging this fact means undertaking policies aimed at protecting individuals within cultures, defending them from the risks of oppression, but also at freeing cultures from the interpretation of them as closed entities in which members can only be subjugated (Parekh 2019, 161). Moreover, the multicultural project cannot be solely identified with granting cultural accommodations to post-immigrant groups. Some authors have stressed that multicultural recognition should not be focused on cultural identities, but rather on lifting the negative difference through which such groups are perceived and socially excluded from full membership in the society and in the polity (Modood 2013, Chin and Levey 2022). If we refocus multiculturalism on the goal of freeing post-immigrant groups from various forms of exclusion, among which symbolic exclusion must be underlined, then the Okin dilemma appears to evaporate, for multicultural recognition does not coincide with cultural rights, but with an attitude of acknowledgment freeing post-immigrant groups from their 'alienness', their marginality and their oppression, making them feel as belonging to society. Cultural accommodations may then be required as the implications of being treated as equals. Thus, the risks highlighted by Okin should be drastically reconsidered; if multiculturalism does not consist primarily in collective cultural rights, but in multicultural recognition aimed at lifting negative differences plus the cultural accommodations required by the equal status of minority members as citizens, the fear of the risk that democratic institutions would leave vulnerable members of the minority group unprotected is misplaced. Law protects all citizens and members of society, whether minority or majority, even though, as is the case, legal protections are not always effectively implemented. Unless one embraces a strong conception of multiculturalism as providing post-immigrant minorities with collective rights to govern themselves, the Okin dilemma is dispelled. What remains of that discussion is how to deal with the oppression suffered by women in post-immigrant groups, where traditional views of family and gender roles are still prevalent.

### *3. Women's autonomy*

Women from post-immigrant groups may follow or reject their traditional way of life with different reasons and we will not assume that those who are following the traditional way are all misguided victims of indoctrination and family oppression. Yet, in such a context, singling out choice from manipulation and coercion is in practice difficult. Of course, we are not saying that all the female members of cultural groups, particularly Muslim ones, are oppressed by their families or communities. We are just saying that the distance between traditional and western rules of conduct for women may cause situations like Saman's in which young women seek to emancipate themselves

from the cultural traditions which they do not see as representative of their own beliefs and ambitions.<sup>2</sup> The feminist reflection on autonomy should be invoked in order to understand whether and when the conduct of the obedient daughter as well as of the rebellious daughter can be assessed in terms of their respective agency.

Feminist philosophy has extensively dealt with autonomy, understood as the capacity of self-rule and self-determination, hence as one of the goals of feminist liberation from gender structure.<sup>3</sup> Two main approaches to autonomy are prominent in philosophy, as well as in feminist scholarship. First, a proceduralist approach, according to which autonomy captures agents' internal abilities, namely the capacity of self-reflection (the competence condition) over the desires, preferences and values that one happens to have, and the capacity of endorsing certain preferences and projects as one's own (authenticity condition) (Frankfurter 1971, Dworkin 1988, Christman 2003, 2005, Friedman 1997, 2003) After critical reflection, the agent's actions are directed by her own will, shaped after preferences that can be said to be authentically hers. Such a model is both internalist and content-free: it captures the agent's ability whatever the content of her choices and conduct may be. Procedural independence does not grant autonomy in cases of manipulation, brainwashing and coercion, yet excluding those, external conditions are not relevant to defining autonomy. Second, a substantive approach which holds insufficient the purely internalist view of autonomy and introduces substantive normative requirements into the model. Such requirements may concern the normative condition as an agential authority such as self-respect and the capacity of speaking out with one's own voice, and in that case, we have a weak substantive model of autonomy (Benson 2005). Alternatively, they may also concern restrictions on the kind of preferences and values that confer autonomy on conduct and actions, on the one hand, and an adequate set of options for autonomy to be practiced; and in such cases we have full substantive models of autonomy (Oshana 2003, Raz 1986,

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<sup>2</sup> It is worth emphasizing that when we speak of Muslim traditions, we are not referring to the Koran or the religion itself; we are concerned with certain cultural traditions intertwined with religious traditions that are blatantly reluctant to recognize the equality of women within the group. Muslim cultures are still in many cases characterized by gender inequality and by various forms of patriarchal rule, which subjects young women to the family's dictate. This is not to say that all young Muslim women living in Europe are restricted in their liberty and projects by their family, and that they cannot pursue a life of their own choice, given that in our universities we see many of them, outspoken, independent, and determined to pursue a career. Maybe it is not just the Muslim religion per se, but its *intersection* with specific local customs, such as the Pakistani, that makes many families very keen to transmit their traditional customs and rules to the younger generation and to avoid any western influence markedly on young girls, especially in a context where the fathers do not feel they belong to and are acknowledged by the receiving society as equals.

<sup>3</sup> A specific contribution that feminist thought has brought to the philosophical discussion on autonomy is the notion of relational autonomy, which is meant to capture the social conditions and relations necessary a) for becoming an autonomous agent (what is called *causal relational autonomy*) and b) for displaying autonomy in one's life (*constitutive relational autonomy*) See: (Friedman 1997, Mackenzie, Stoljar, 2002, Christman 2003, Oshana 1998, 2003, Holroyd 2009, Westlund 2009, Mackenzie 2014). Despite its popularity, the idea of relational autonomy is by no means universally accepted within feminist scholarship. In particular the article by Holroyd (2009) seems to us a convincing criticism of relational autonomy as it is meant in its constitutive capacity.

Bavosa-Carter 2007) In other words, according to the substantive views, autonomy depends on not just the structure, the history, and the coherence of the values, beliefs, and volitions internal to the agent, but also on the normative adequacy of the internal set and, in some cases, the factual adequacy, i.e. the availability of an adequate set of options for the agent to choose from. Leaving aside ‘factual adequacy’ which, in our view, deals with the circumstances for autonomy more than with autonomy itself, normative adequacy leads to the scrutiny of the choices and preferences of the subject. Under this reading only the choices which are in line with the subscription of the value of autonomy itself can be defined as autonomous; that is, only the choices informed by the idea of independence and self-determination and preserving future self-determination. It is easy to see the advantages and risks of each model, respectively: the procedural model, being value neutral, does not set a limit to the content of choices, nor sets good choices apart from bad choices; hence it is respectful of pluralism, but it seems to rule all choices made without reflection out of autonomy, though, admittedly, many of our daily choices have this character and yet are still instances of self-rule. The substantive model excludes the happy slave from autonomy, but also all choices not in line with the project of an autonomous life, no matter whether taken after reflection and critical consideration, say the choice of becoming a nun. Whether sustained by the procedural or the substantive model of autonomy, the attempt to set apart non-autonomous choices is carried out by means of the concept of “adaptive preference”. In its original formulation by Jon Elster (1983), “adaptive” (as opposed to “autonomous”) are the preferences resulting from an irrational switch in order to reduce the cognitive dissonance when reality does not align with one’s wishes, typically exemplified by the fox and the sour grapes in Aesop’s fable. Despite the attractiveness of this idea, Elster’s analysis is far from clear: adaptive preferences are non-autonomous, yet according to which understanding of autonomy? Is it not the case that Elster conflates autonomy with rationality, given that the focus is rather on the irrational formation of certain preferences? Yet, if preferences are not produced by an irrational switch from good grapes to sour grapes to reduce one’s frustration, and in that case the qualification of adaptive is linked to the self-deception involved, what can we say of preferences that from the beginning are molded by our environment? Is it sufficient that a preference is exogenous, as most of our preferences are, to be defined as non-autonomous?<sup>4</sup>

In the subsequent use of the concept in feminist thinking, in general, adaptive are those preferences which cannot be said to be properly one’s own, but rather molded by the family and social context (Nussbaum 2001). Yet, given that all preferences have an exogenous origin, how can we distinguish between an external origin not impacting on autonomy, and, instead, one corroding

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<sup>4</sup> This issue is extensively dealt with by Colburn (2011) who however argues that if one assumes a substantive conception of autonomy, then it is possible to make precise sense of adaptive preferences as lacking autonomy.

autonomy? The argument, based on a substantive view of autonomy, in this regard can be reconstructed as follows:

- a) The practice P is humiliating for the agent, symbolizes her submission, and contributes to keep her in a family or culture dependent position, blocking her future opportunity of change and improvement.
- b) No person endowed with rational competence and the capacity of self-reflection, in the absence of coercion, manipulation and strong conditioning, would authentically accept a practice that undercuts one's present and future autonomy.
- c) Hence voluntary consent to the practice cannot be taken at its face value, for it is the expression not of *autonomous*, but of *adaptive* preferences.

But then a number of questions arise:

- a) Is it not the case that all preferences which accord with traditional gender roles are *ipso facto* considered 'adaptive' hence signaling non-autonomous choices and ways of living, while, by contrast, preferences going against traditional gender roles are automatically considered autonomous? b) Is it not the case that drawing lines between autonomous and non-autonomous choices may affect the respect due to any agent? (Terlazzo 2016)
- c) Is there not a risk of considering women living in traditional societies in the East and in the South or in immigrant communities in the West as merely victims of unfortunate circumstances impairing their agency, as has been remarked by non-Western feminists (Volpp 2001, Narayan 2002)
- d) And, finally, which political response is supposed to be adequate to allegedly adaptive preferences: since they are non-autonomous, do they qualify for paternalistic intervention? On this last point, few feminists in fact draw the implication from the judgment of non-autonomy,<sup>5</sup> yet while they do not justify paternalistic intervention, nevertheless they are ready to justify the relational intervention of women friends or practitioners that can be characterized as "maternalism" (Specker-Sullivan, Nicker 2018).

In sum, we can say that the notion of adaptive preference: a) is epistemically tainted by a substantive-autonomy-bias; b) is normatively problematic both for introducing moral distinctions among women and for considering women in traditional gender roles as diminished agents;<sup>6</sup> c) is

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<sup>5</sup> Actually, few feminists in favor of finding adaptive preferences as autonomy lacking are ready to sanction state intervention, with the exception of liberal feminists such as Okin. Marina Oshana, for example, in order to avoid that implication draws a distinction between autonomy and *de jure* autonomy that is the concept regulating the state's imputation of equal political rights to anyone, hence preventing easy interference in non-autonomous individual choices (Oshana 2003).

<sup>6</sup> Terlazzo (2016) in fact attempts to defend the notion of adaptive preference arguing that the notion applies to single choices and not to agency as such, i.e. to local and not global autonomy. In this way, the notion would neither impair recognition-respect nor would license paternalistic intervention. We do not find the argument convincing, for in the

either politically inactive or politically licensing forms of paternalistic or maternalistic intervention. A possible way out of these difficulties is retaining the notion of adaptive preference, yet a) disengaging it from autonomy (Khader 2009), and b) acknowledging it as a purely diagnostic and not a normative notion.<sup>7</sup> If this notion is used only to stress that some of women's preferences are the product of oppressive gender structures unduly constraining their options and calling for change and reform, it is descriptively useful to understand how oppressive structures work from the inside of agents. Yet, the normative important notion is structural oppression and not the variety of individual ways of coping with it. In this way, the agency of women preferring to abide by the traditional gender roles of their society is not undermined: as Khader has shown, it is possible to interpret such choices as subjectively rational, as making the most of one's own actual alternatives. It may also be the case that even though the options enlarge, individual women may prefer to adapt to traditional roles as housewives and caretakers of the family needs: such choices and their agency should be respected, no matter how contrary they seem to gender equality and to our conception of women's well-being.

Coming back to the issue of young women living in Western societies in the families of post-immigrant groups, we shall now sketch four different responses that young women of immigrant origin, raised in very oppressive and authoritarian families, may give to their environment:

1. Myriam's very oppressive and authoritarian upbringing has not impaired her critical capacities, but makes it exceedingly costly for her to rebel against the family rule. Like a man under the threat of a gun, she may reflect on her first order desire to escape, but then come to hold a second order desire to be sensible and make the most of her lot, and behave accordingly. Following the procedural conception of autonomy, she is acting autonomously for she has reflected critically on her situation and made the choice most suitable in those circumstances. At the same time, she has to cede her self-government and, in that respect, she has impaired her substantive autonomy. Yet, it may be the case that within her limited opportunities, given that she has not given up agency, she starts negotiating spaces of independence, little by little, ending up living a reframed traditional life. In that respect, we would say that she has autonomously balanced a realistic assessment of the present constraints with future possibilities of more autonomy.

2. Fatima is raised in a likewise oppressive and authoritarian environment, but she does not have the first-order desire to escape, and has contentedly shaped her first-order desire out of her context, wholeheartedly endorsing that desire in her second-order reflection. In that case, we cannot say that she has given up her self-government, because she apparently does not experience any duress, and is

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case of gender roles, single choices are in most cases life choices, such as accepting an arranged marriage, thus impacting global autonomy.

<sup>7</sup> We owe this suggestion to Federica Liveriero.

perfectly and happily integrated into her environment. According to a procedural conception of autonomy she is autonomous.

3. Sarah's upbringing, instead, has not only affected her first order desires, but her capacity of critical reflection as well; it has been so thoroughly despotic that she has never learned to think for herself, to step back from her situation. In a way, it is a successful case of brainwashing. She apparently lacks the competence condition for autonomy.

4. Finally Saman: going to school, she has come in contact with a different world, with more attractive opportunities. Thus, she rebels against the oppressive and authoritarian family environment, and resists the family attempt to impose on her choices she disavows, asking the liberal Western institutions to protect her rights. The help she received, however, was not sufficient neither externally nor internally. Externally, because the protected houses are reserved for minors and once of age she found herself without protection. Internally, because Saman's response to the mother's false promise of her freedom signaled her desire to make up with her family and the cost of breaking away. Saman's choices definitely expressed her autonomous capacity of imagining a life different from that laid out by her family.

Four different ways to respond to similarly oppressive, patriarchal families lead to different assessments of the autonomy involved in their conduct. Yet, whether their choice commits them to follow – autonomously or not – the family rule or to rebel against it, all of them clearly confront the gender oppression within their family intersecting the post-immigrant oppression within society. Analytically it may be relevant to draw autonomy-based distinctions in their responses (three of which end up in the same outward conduct), but from a political-philosophical perspective, such distinctions do not equip us with a clue about what can and ought to be done to face their intersectional oppression.

#### 4. *What can be done politically and socially?*

Following Okin's thread, some feminists and opinion leaders hold that in order to protect women in post-immigrant groups no cultural concessions, inherently connected with women's submission, should be tolerated. This brings us back to the long-standing controversy over women's veiling, which in France was concluded with the 2004 law, recommended by the Stasi Commission, prohibiting the hijab and any other ostentatious religious symbols in public schools. One argument against toleration was centered on women's equality (Galeotti 1993). The practice of veiling symbolizes women's submission, so the argument goes, and given that young women may find it difficult to unveil themselves against their family's will, a state regulation against veiling is in order not only to stop a humiliating practice, but also to help girls to break free from the family dictate.

This argument is however flawed in more than one sense: a) it completely dismisses the possibility that the decision of veiling may be autonomous, and in fact, many daughters of immigrant families decide for themselves whether to veil, often even against the family's preference; in that case the prohibition represents an unjustified state interference in the autonomous and not harmful choices of women; b) whether veiling is a sign of women's submission or, instead, a desire to avoid men's unwanted attention, or even a statement of one's cultural or religious belonging is something that it is up to the veiled woman to settle; in other words, the imposition of a meaning on a cultural practice is a way to disrespect self-interpretation and to deny interpretive authority to the person making this choice. It is a form of epistemic injustice. c) Finally, such intolerance displays double standards compared to the tolerance that many Western adaptive practices receive (viz. piercing, extreme dieting, esthetic surgery and so on).

Without discussing further the different proposals of prohibiting certain cultural practices (Galeotti 1993, Galeotti 2007, Galeotti 2015a), the question we want to raise is: would such legal restrictions have prevented Saman's terrible end? It is actually far from clear, for *forced* (as different from *arranged*) marriages are already legally proscribed, as well as family abuses. What went wrong in Saman's case was not a lack of legal provisions against harmful cultural practices, but rather, on the one hand, insufficient protection from law enforcement agencies, and, on the other, social and political work for effective integration and for the symbolic inclusion of groups of immigrant origin.

That post-immigrant groups are affected by gender issues, not only within patriarchal families, but also in the public displays of deplorable sexist conduct in young males that are reported with impressive frequency in the old and new media is well known. Even conceding a diffuse ethnic and racial bias in such reports, episodes such as the repeated sexual assaults on women on New Year's Eve in Germany and then in Italy are undisputed facts. When we confront criminal offenses, legal consequences ought to follow. Obviously legal provisions apply to anyone, whatever his origin, once the criminal offense has been committed, but the discussion cannot exclusively focus on the protection of white women and of immigrants' daughters, for we must think of prevention as the best defense of women's rights. It is nothing new to say that immigrant groups have a bad deal in receiving countries, face a difficult path of integration and are subjected to different forms of discrimination and marginalization. Muslim immigrants have experienced a special difficulty in European countries, partly due to the automatic connection between Islam and terrorism, partly due to the alleged incompatibility of Islam with democratic principles and values. Difficult integration, however, does not justify gender oppression.

Yet, beyond holding males of immigrant groups accountable for their gender crimes, what is to be done? Lecturing them on gender justice does not seem to be the thing, for, not only is it clearly

ineffective, but it is also normatively problematic. Immigrants, especially those involved in farm jobs, are usually exploited in heavy work that Italians do not want to do any longer; rarely are such jobs unionized, they have low wages, long hours, few protections. Housing arrangements are similarly poor. The goods and advantages of affluent countries are outside their reach. The only two services which they can freely access are public healthcare and schools. Schools are indeed the places to channel gender equality for younger generations, provided that immigrant children are not marginalized and left behind with their learning. Definitely it was at school that Saman met with friends and detached herself from her family expectations. In this respect, had the years of mandatory schooling been up to 18, instead of 16, it would have helped her situation, for the teacher could have monitored her problems more easily.

The point we want to make is that in order to change gender roles within the family and the attitude toward gender equality in general in post-immigrant families it is important to establish a relation of trust and a dialogical attitude between the officials and social workers and the immigrants themselves where the male members, old and young, are not taught as though they are school children by well-meaning and patronizing authorities. Such teaching would inferiorize and misrecognize them as equals, morally and epistemically. It is no wonder that people who are exploited and mistreated at work, misrecognized as full members of our society, resist and resent the lesson provided by “good citizens” to “civilize” them. A missionary approach to gender equality should at all costs be avoided. For immigrant males to become open to revise their views of women and of gender roles, for example, the possibility of better prospects for their children, males and females, should become a real opportunity, one that they can look forward to with hope. This seems to us a way to open up a dialogue and a negotiation, where the two sides can talk on the same footing and where something tangible can be put at stake. The advantages of gender equality can be seen in the prospect of a career for their daughters as well as for their sons. The prospect of their children with University degree and chances of a good career may balance the strains with their families overseas, may give them hope that their family will prosper in this different world and that their children would be respected and esteemed and not be perceived as alien. That such hopes of integration in the host society and of well-being for the whole family may be the key to negotiate changes in the traditional family is only a speculation, yet a reasonable speculation. What is not a speculation is that confining the gender issue of post-immigrant groups to security measures and painstaking crime prosecution does not and will not work, because it does not address the oppression of darker and poorer immigrants with alien customs in our society. An oppression which does not only hit the male members of the group, but women as well, being entrapped at the intersection of two different oppressions.

## 5. Conclusion

In conclusion, neither those who portray Saman's case as evidence of the danger of immigration nor those who equate her killing with cases of Italian femicide seem to detect what is really at stake. This dichotomous interpretation underestimated the Saman case's specificity, given that here gender oppression intersects with immigrant oppression. In the end, what went wrong was not only a deficit of institutional protection from family abuse, but also a myopic focus solely on intercultural and interreligious dialogue at the expense of gender issues.

Our argument challenges the most relevant approaches to gender issues within the multicultural debate, namely intersectionality on the one hand and women's autonomy and adaptive preferences, on the other: a) although the category of intersectionality helps to grasp the dual oppression Saman endured, it still does not provide normative guidelines as though giving voice to the subjective experience could directly deliver one from oppression; b) after questioning the alternative 'multiculturalism versus feminism', we ended by denying that multiculturalism can be equated with collective cultural rights and that women's autonomy should necessarily imply a distancing from cultural choices, even if seemingly 'adaptive'; c) approaching supposedly adaptive preferences in terms of autonomy has been shown to be inconclusive: autonomy and adaptive preference are useful diagnostic categories but normatively may run the risk of introducing moral distinctions among oppressed women, disrespecting women's agency, without providing normative suggestions about what to do about gender inequality; d) lastly, we focused on Saman: she represents a case of gender oppression within the family intersecting post-immigrant oppression within society. Reducing her case to one of either gender oppression or cultural oppression disregards precisely its intersectionality.

Finally, we moved to a normative political level to query whether restrictions on toleration of cultural practices could work to prevent cases like Saman's. Our answer is in the negative because, first, we cannot adopt a double standard in assessing women's choices, that are not necessarily non-autonomous for the mere fact that they are not molded after western values; and, second, whether a choice is a sign of women's submission or possibly a statement of one's cultural or religious belonging is something that it is up to women to settle; denying it is a form of epistemic injustice. Besides, Saman's family did not kill her by taking advantage of cultural rights obscuring individual right violations within the group, for no special collective rights had been attributed to the Pakistani group, and, moreover, forced marriages are legally forbidden in any case.

Ready solutions that could have protected Saman and strengthened her autonomy without disregarding the needs of her family and the discrimination suffered by her parents are not at hand, but must be worked out. While the missionary approach should be avoided, a sincere dialogue and

negotiation where majority and minorities can talk on an equal footing in an atmosphere of trust must be built so as to confront the issue of gender equality. Schools could be comfortable places that offer families actual opportunities for better integration into society, showing them that their children are taken care of like everyone else. (Giorda and Sala 2019) and that gender equality can offer their children hope for a better future. It is not unreasonable to hold out such a hope: having experienced the good of living within a society in which daughters and sons are granted equal respect, and can aspire to careers of choice, families could perceive themselves as increasingly included in society and respected not despite but through their own choices and thus hopefully gain a sense of trust in it.

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