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### Exit, freedom, and gender

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## Exit, Freedom and Gender

Day and night I ponder on the means by which it might be possible to escape the strict moral code and customs of my country yet ... The old Eastern traditions are firm and strong but I could shake them from me, break them, if it were not for that other bond, even more securely and strongly fixed than any centuries old tradition, which binds me to my world: the love I have for those who gave me life, to whom I owe everything, everything – Raden Adjeng Kartini, 25 May 1899, Japara<sup>1</sup>

An important part of being free is not having to associate with, or reside among, others whose ways, beliefs, or very persons, one cannot abide. Freedom is, to a great extent, freedom of exit. An appreciation of this dimension of freedom runs through the liberal political tradition which has generally, if imperfectly, recognized the importance of being able to separate ourselves from our fellows, even if there are many goods we can only produce – and sometimes enjoy – with the cooperation of others. To be denied in an attempt to exit – to divorce a husband, to quit a job, to emigrate, or to leave a religion or group in which one has been brought up – is to be rendered unfree. As Susan Okin has written, ‘Not to be able to leave the group in which one has been raised for an alternative mode of life is a serious violation of the kind of freedom that is basic to liberalism.’<sup>2</sup>

Yet while the importance of freedom of exit is uncontroversial, at least among those sympathetic to the liberal ideal, the ultimate worth of this freedom is a more complex matter. What, precisely, does freedom of exit amount to? And is a right of exit necessarily of value – or equally valuable to everyone? In the literature on multiculturalism and group rights, many have argued that assertions of the significance of freedom of exit have greatly exaggerated its worth. This is because such assertions have failed to recognize that freedom of exit cannot readily be exercised by many who might possess that freedom in principle, and that it is not something that can be enjoyed by all equally in the absence of other social conditions. Women in particular are not well-served by the exit principle.

This argument is put with especial force by Susan Okin, in an essay discussing the worth of exit rights in any theory of the rights of illiberal minorities in the liberal state. She suggests that ‘the right of exit, while no doubt important, does

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<sup>1</sup> Coté/Clayton 1995, p.1.

<sup>2</sup> Okin 2002, 206.

not have the clout it is often thought to have in arguments defending the rights of illiberal groups within liberal contexts. Instead, it is inherently problematic. Those most likely to need it are those least likely to be able to employ it. Neither may they see it as a desirable or even an imaginable option.’<sup>3</sup> She therefore concludes her analysis by arguing that the liberal state ‘should not only not give special rights or exemptions to cultural and religious groups that discriminate against or oppress women. It should also enforce individual rights against such groups when the opportunity arises and encourage all groups within its borders to cease such practices.’<sup>4</sup>

In putting this argument, Okin is elaborating a position she has taken in a number of earlier papers discussing the tension between feminism and multiculturalism.<sup>5</sup> In her view, to the extent that women’s interests and cultural rights come into conflict, the former should take priority. Indeed, she makes it quite clear that cultural communities or traditions that are inconsistent with liberal feminism should not be subsidised, or even encouraged. The liberal state should, in her assessment, take steps to re-educate such groups, and, if necessary, punish them if their practices are harmful to women – making it plain that such things will not be tolerated. Implicit in the earlier papers, and explicit in the more recent one, is the contention that invoking women’s freedom of exit is not sufficient to exonerate groups from responsibility for women’s oppression, or to justify the continued toleration (let alone subsidising) of their practices. If the interests of women are to be served, steps must be taken to ensure that they enjoy ‘realistic rights of exit’. And this means more deliberate intervention on the part of the state to foster and protect the freedom of individual women.

Okin is not alone in all of this. A number of other writers have questioned the wisdom of placing any considerable weight on the exit principle unless the freedom to exit is bolstered by further supports. Theorists such as Brian Barry, Ayelet Shachar, and Jeff Spinner-Halev, among others, have suggested that being free to leave is not enough.<sup>6</sup> And, like Okin, they have also been critical of my own defence of the exit principle in some previous papers.<sup>7</sup> Is it time for the unencumbered or Plain Exit Principle to be shown the door?

The purpose of this paper is to argue that the Plain Exit Principle is more important than has so far been conceded, and that its limitations reflect not so

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<sup>3</sup> *Ibid.*, 207.

<sup>4</sup> *Ibid.*, 229–30.

<sup>5</sup> Okin 1998; Okin 1999.

<sup>6</sup> See Barry 2001 and Barry 2002, Shachar 2001; Spinner-Halev 2000.

<sup>7</sup> I have presented this defence in Kukathas 1992a, 105–39; and: Kukathas 1992b, 674–80; and Kukathas 1997, 69–104.

much the inadequacy of the principle as the nature of dilemma it addresses. The difficulty of that dilemma is most evident when the claims of feminism confront the demands of multiculturalism. The argument is presented in four stages. The first outlines the Plain Exit Principle, offering an account of the more general theory of which it is a part. The second stage elaborates the major objections to the Plain Exit Principle, focussing primarily on the arguments developed by Susan Okin, but also drawing on the writings of others to extend the scope and force of this critique. The third stage offers a reply to the critique of the Plain Exit Principle, and the fourth concludes with some more general reflections on the tension between feminism and multiculturalism.

## The Plain Exit Principle

Human beings invariably find themselves living in association with others and yet in disagreement about what should be the proper terms of association. In such circumstances, what right does any individual have against his or her fellows? Some theorists have tried to construct substantial accounts of individual rights suggesting that there are a variety of freedoms or entitlements that any society must provide its members: freedoms of speech and assembly, for example, or entitlements to hold property. But while such freedoms are valuable and important, to assert their significance, or declare them to be fundamental rights, does not get around the problem of disagreement among people about what should be the proper terms of association. How should such disagreement be resolved? Two alternatives present themselves to us. The first is for the stronger to exercise their power over the weaker to compel them to accept their terms. The second is for each to try to persuade the other about what those terms should be. If we reject the first alternative as philosophically unconvincing, the question becomes: what right does each have against the others if he or she is unable to persuade the others to abide by particular terms of association – particularly once they have exhausted all avenues through which to secure agreement, including searching for an umpire by whose determinations they could abide? The only right each can have remaining is the right to leave. Call this the ‘plain exit principle’.

In the end, there are only three options available: to live together with others on particular terms we may or may not like, but do accept; to be forced to live together with others on terms we do not accept; or to separate. In the liberal political tradition it is the freedom to separate that is of critical importance. Individuals may not be forced into membership of a collective simply because it

is held that this would be good for the collective; nor may the individual be forced into membership because it is alleged to be good for him or her. It is an implication of all of this that freedom of exit – indeed, a right of exit – is of pre-eminent importance.

It is also important, however, to recognize a further implication of this analysis. If each has a right to decline to accept an offer of membership on terms of association she cannot abide, a collective of individuals equally has a right to decline to offer membership to any individual whose terms they are unwilling to accept. No party has any right to force another to live by terms unacceptable to the other.

The principle of exit is not an easy one to live by: it is not a helpful norm for social organization. The most obvious reason why is that, at its core, lies an insistence on individual freedom to abandon social engagement – to *unorganize*. It is an anarchistic principle. But there are other reasons. First, because humans not only need to associate but also long to do so, they will usually compromise in order to remain together: the opportunity cost of dissociation is almost always too high. In the associations they form they will invariably institute procedures to settle disagreements so that disagreement doesn't need to threaten dissolution of the collective. Disagreement in itself is unlikely to provoke the exercise of the freedom to exit; other solutions will be sought first for as long as humans remain social animals – which is to say, for as long as they remain human. Second, because humans often cannot abide disagreement they will, if they can acquire sufficient power, exercise that power to compel others to associate with them on their terms – denying those thus compelled any right of exit. The love of the exercise of power is, alas, no less strikingly human a characteristic than is the desire to associate with others.

But while the facts of social psychology suggest that the exit principle will never explain why human beings continue to associate, the logic of association suggests that the right of exit is the only demand upon which all parties can insist. All cannot demand a right to associate each on his or her own terms. No one can demand a right to compel others to join with him or with one another if such a right is to be one that all can claim.

Liberal societies are ones which try to respect this principle as far as is possible, for they consider the good society to be one which comes as close as possible to being what John Rawls calls a “voluntary scheme”.<sup>8</sup> To serve this

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<sup>8</sup> Rawls, 1999, 12: ‘a society satisfying the principles of justice as fairness comes as close as a society can to being a voluntary scheme, for it meets the principles which free and equal persons would assent to under circumstances that are fair.’

end, they must therefore be societies that leave room for dissent, so that those who disagree with the views of others or reject the attitudes of the majority may find room to live by their own lights – exiting from arrangements they cannot abide. When the world was divided in the days of the Cold War, the most obvious difference between the Communist states and the “free world” was that the citizens of the former were not permitted to exit. In a liberal society, no one can be compelled to stay. And a liberal society does not recognize the authority of anyone to compel people to remain in associations or under arrangements of which they want no further part.

The implication of all this for the place of groups of any sort in a liberal society should therefore be plain. No group can claim for itself the right to compel anyone to abide by its demands or to remain within the boundaries of its association. It cannot claim authority over its members unless its members recognize its authority over them; and if it claims authority over people who decline to accept it, that authority would not be recognized or re-enforced by any liberal society. Nor indeed can it claim support simply to help bolster its declining membership or staunch the flow of the disaffected, for no one is under an obligation to ensure that any particular group or association prevail, or even endure. No group has the right to survive.

At the heart of the principle, exit as it is understood here, then, is what might be called a principle of non-recognition. No one has the right to compel others to associate with anyone, and to compel others to submit to his (or his group's) authority. Any such claim to authority must go unrecognized, and any right claimed by such groups or persons to deny those in their control the freedom to exit must also go unrecognized.

This holds whatever the nature of the group, whether it is an organization or a club or a church or a cultural group or a province or a nation. None of these associations has any claim upon others to recognize its authority over its members, particularly if those members wish to leave. No one is under any obligation to enable the association to survive, whether by forcibly returning its fleeing members, or by offering it assistance to sustain its activities. Association, if it is free association, is a two-way relationship, in which both parties must at all times retain the right to discontinue the relationship. No cost that one party might suffer as a result of the ending of that relationship can justify its forcing the other to remain in association – though the terms of separation may have to reflect the costs borne by one party if the end of the affair violates previous agreements made. (Performance of a contract cannot be compelled, but this does not imply a right to non-performance without compensation.)

In the case of cultural groups, it means that the cultural defence is no defence at all if it seeks to justify the denying the freedom of individual members

to break away from the group's traditions. The group has no right to stop people leaving. Nor has it any claim upon others to be given the resources to discourage their members from deserting its ranks. While it may use its own resources to try to sustain its traditions or customs, it cannot demand that others should value this. And to the extent that its practices are harmful to some members, it must run the risk that those members will desert the group to make their lives elsewhere.

What is or is not harmful, is, of course, a highly debated matter – even though there is also much agreement across all times and cultures about good and bad, right and wrong. One of the reasons for disagreement about harm is that it is very seldom harm *simpliciter* that is at issue. Any understanding of harm involves some view of the tradeoffs that must invariably be made when assessing the worth of an option. Some harms are deemed acceptable to those who suffer them because of the benefits that accompany them: the harm of smoking, drinking and eating tasty food may be offset by the pleasure these vices bring. Other harms are deemed acceptable because they are deemed preferable to other, greater, harms that are averted by bearing lesser ones. People endure surgery, medicines, diets and exercise to feel – or at least look – better in the future. And, of course, people frequently opt to suffer harms so that others might benefit. Most obviously, parents commonly sacrifice their own good for the good of their children.

It is precisely because there are such tradeoffs, and because costs and benefits are weighed differently by different people, that many liberals have been reluctant to deny the individual the right to determine for himself how the tradeoff is to be made. Each person is entitled to walk away from an option, even if it looks favourable, if he is unwilling to accept the cost – or to embrace an option, even if it looks unfavourable, if he thinks the costs are acceptable in light of the benefits on offer. It is only when the costs or harms are unwillingly borne by others that the individual's freedom may be impeded. At this point the difficulty, as well as the necessity, of people being able to separate their lives becomes most clearly apparent.

The principle of exit suggests that people should be left free to determine for themselves whether or not a form of association is to their advantage. The problem with this is that there can be no assurance that people will decide well. They may court danger and embrace harm; or forgo benefits; or make tradeoffs with which many of us would not agree. None of this, however, is sufficient to overturn the exit principle. The obvious question, then, is: why should the exit principle be accorded such importance? The answer returns us to the point with which discussion began in this section. The principle of exit is the principle most consistent with the repudiation of force as a means of determining how people should live. It

rejects the idea that the voice of the majority should prevail over that of the minority, or that the strong should prevail over the weak. It is consistent with the conviction that we should seek to persuade rather than compel those with whom we disagree to come around to our way of thinking – and living.

It is important to note here that it will not do to say that compulsion is justified only when it is exercised by those who are right over those who are wrong. By definition, compulsion can only be exercised by the strong over the weak. And by hypothesis, the strong will think they are in the right, while the weak deny any such thing. When the question of right and wrong is in dispute, it is no argument for the strong to justify compulsion on the grounds that it is right. 'I have the truth on my side, therefore my violences are good works: Such a one is in an error, therefore his Violences are criminal.'<sup>9</sup> This is invariably the argument the strong offer. The principle of exit suggests that the strong may justifiably seek only to persuade the weak to see things differently, permit them to exit from the association of which they are both a part, or tolerate their dissent.

A few things should be noted here. First, in permitting the weak to exit the strong cannot claim that their conduct is entirely fair or just. They may simply be taking unfair advantage of their strength to reject very reasonable demands. Second, to allow people to exit from an association does not mean forcing them off property or lands they have occupied: one can sometimes dissociate without leaving physically. Third, it may sometimes be quite unjust to force people to leave. Refugees, typically, have exercised a freedom to exit, but have been, directly or indirectly, the victims of injustice.

The principle of exit does not presume that one party exercising the freedom to depart means that the terms of separation are just or fair. The point of the principle is to say that, in the absence of agreement on the terms of association, the various parties to the association can claim only the right to leave, and not the right to force others to accept particular terms they might reject. Moreover, if any parties choose not to exit this must be taken to mean acquiescence (whether enthusiastic or reluctant) in the terms of association, and acceptance of the legitimacy of its authority. What the principle of exit therefore requires of outsiders or third parties is a stance of neutrality and, so, non-intervention in the terms of association of any group; but also non-recognition of any right of the group or its authorities to continue to exist, or to enforce those terms on reluctant members. They will not invade the group to try to change the terms of association to favour one sub-group or another; but neither will they give the existing authority succour by supporting its efforts to perpetuate existing cus-

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<sup>9</sup> Bayle 1708, 146.



toms and traditions, or assisting it in its efforts to suppress dissent. The group's ruling authorities will no doubt complain that this stance is not neutral, since failing to assist it in suppressing dissent, or to provide resources to sustain group traditions, in effect gives more power to dissenting forces. And dissenters will also complain that not to intervene on their behalf is simply to strengthen the hand of ruling authorities or majority group opinion. And there is some truth in both these complaints. But the fact that there is an element of truth in both complaints strengthens the case for a non-interventionist stance, which respects a right of exit but not a right to anything more.

## A Critique of the Plain Exit Principle

According to Susan Okin, the right of exit is inherently problematic. And to her mind this comes out particularly clearly when one considers the situation of women within repressive groups or cultures. She points out that if 'girls and women are treated unequally in various important ways within their cultural groups, it cannot but affect their capacities to exercise the right of exit'.<sup>10</sup> Moreover, she continues, 'women's having an unequal capacity to exit leads to another significant inequality, for it cannot but affect their potential to influence the directions taken by the group.'<sup>11</sup> As a consequence, 'they have less chance of being able to change the group's norms and practices – including being able to remedy their status and to achieve gender equality within the group.'<sup>12</sup> The right of exit cannot serve as a palliative for oppression for another reason: 'in many circumstances, oppressed persons, in particular women, are not only less able to exit but have many reasons not to *want* to exit the culture of origin; the very idea may be unthinkable.'<sup>13</sup> In fact, Okin remarks, such women 'want, and should have the right, to be treated fairly within' their cultural groups.<sup>14</sup>

Clearly, Okin favours intervention to address the problem of women's oppression, particularly when it occurs within groups in the liberal state.<sup>15</sup> The

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<sup>10</sup> Okin 2002, 207.

<sup>11</sup> *Ibid.*, 207.

<sup>12</sup> *Ibid.*, 207.

<sup>13</sup> *Ibid.*, 207.

<sup>14</sup> *Ibid.*, 207.

<sup>15</sup> Perhaps intervention would also be justified, for Okin, to rescue from oppression women who are suffering under regimes outside the liberal state. However, I am not aware of any treatment of this issue in Okin's writings.

liberal state, she thinks, should act to protect women from groups whose ways violate their individual rights – ‘preferably by education but where necessary by punishment’.<sup>16</sup> And in putting this view, she criticizes a number of theorists who consider exit rights important, including Joseph Raz, William Galston, and myself. I will not rehearse in any detail Okin’s objections to Raz and Galston, since their theories defend group rights in a way that my view does not. Okin and I are in agreement in this regard, though perhaps not always for the same reasons. I will focus instead on her criticisms of the exit principle as they apply to the theory presented here.

The central claim of Okin’s argument is that, in the absence of intervention to uphold their rights, women in many cultural groups cannot enjoy meaningful rights of exit, for to enjoy such a right it is necessary not only to have somewhere to go but also ‘the capacity to get there.’<sup>17</sup> In many cultural groups, however, women are simply given very little opportunity to acquire that capacity. More particularly, the attitudes and practices of many groups towards the education of women, their rules concerning marriage and divorce, and the ways in which they socialize women to reinforce gender roles and a gender hierarchy, work against women acquiring any serious capacity to exit their traditions or their communities.

In the case of education, Okin suggests, much of the problem stems from parental freedom to ‘define and restrict their children’s education’.<sup>18</sup> One consequence of this is that many girls go to schools in which they are taught ‘that they are less than fully equal to boys and that their proper role in life is to care for their families and to obey their husbands.’<sup>19</sup> And such attitudes, she goes on to observe, are not confined to the ‘fundamentalist fringes’ but are evident even in the expressed views of the largest Protestant denomination in the United States, the Southern Baptists. And the children subjected to the education delivered by such religious groups, in her view, have their rights violated in being ‘subject to this and other forms of indoctrination.’<sup>20</sup> More importantly, their capacity to exit is restricted both by the socialization which disinclines girls to consider any other kind of life, and by the loss of educational qualifications which might supply them with resources they need to break away.

The rules and customs of marriage operate to disadvantage women in similar ways. Early or involuntary marriage not only creates inequalities in

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<sup>16</sup> Okin 1998, 676.

<sup>17</sup> Okin 2002, 228.

<sup>18</sup> *Ibid.*, 218.

<sup>19</sup> *Ibid.*, 218.

<sup>20</sup> *Ibid.*, 218.

marriage but also makes exit harder – though often there are lesser rights of exit from a bad marriage for women. Marriage, at least under such circumstances, has the effect of imprisoning women in many ways. It limits their educational opportunities, lowers their expectations or life ambitions, and leaves them encumbered with responsibilities that make it difficult to exit the marriage, let alone the culture.<sup>21</sup>

In general, the upbringing experienced by girls in many cultures tends to lower their self-esteem, which, Okin argues, further weakens their capacity to exercise any right of exit they might formally possess. Women tend to bear the burden of their parents' expectations that they will act as conduits through which culture is transmitted to the next generation. Even if the right of exit is there, the burden of disappointing parents is almost too much to bear. For a woman to have the option of appealing to the law against her parents in order to prevent an unwanted marriage, or to change her religion to escape its strictures, is often to have two options neither of which 'is thinkable for her, for, given the manner in which she has been raised, by doing either, she would lose much that she most values in life.'<sup>22</sup> The exit solution is no solution at all, and Okin quotes Ayelet Shachar, who makes this point very vigorously when she writes: 'the right of exit "solution" ... throws on the already beleaguered individual the responsibility to either miraculously transform the legal-institutional conditions that keep her vulnerable or find the resources to leave her whole world behind.'<sup>23</sup>

There are other problems with the exit solution. For one thing, it does not secure freedom from oppression because the most vulnerable members of the community – women and children – are the ones who will find exit most difficult and costly. Okin therefore rejects the idea that the existence of a wider society into which individuals may escape is sufficient to make freedom of exit credible. If that wider society tolerates the practices of the group, 'it is impossible to see how some members – a child who has been allowed to die, for example – could leave; and it is hard to see how others could leave without enormous difficulty, including persons of both sexes deprived of the education required for alternative modes of life and girls and women who had, in addition, no access to property, had undergone clitoridectomy, or had been forced into unequal marriages (especially if at an early age, without access to contraception, or with little or no possibility of initiating divorce).'<sup>24</sup>

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<sup>21</sup> Ibid., 219.

<sup>22</sup> Ibid., 222.

<sup>23</sup> Shachar 2000, 64–89, at p.80; quoted in Okin 2002, 222.

<sup>24</sup> Okin 2002, 228.

A similar point is made by Shachar, who adds two further objections to the exit principle. First, she argues that to insist on a non-interventionist state policy requires maintaining ‘a rigid conceptual distinction between the “inside,” minority group-controlled realm, and the “outside,” state-controlled realm.’ By over-essentializing the distance between minority group culture and the dominant state culture, my view denies the inevitable interplay between them. This non-interventionist policy prescription, thus, may ‘end up reifying group identity by turning an essentially fluid mutable cache of customs, beliefs, and practices into a far more fixed and unchanging one.’<sup>25</sup>

Second, she argues that the exit principle as I have defended it assumes that individuals born into minority groups have effectively chosen membership if they have not elected to leave. This, she thinks, relies on a further assumption that downplays the fact that individuals possess multiple affiliations – ‘to their minority groups, genders, religions, families, states, and so on.’ Yet these ‘different facets of individual identity may overlap and crisscross in complex ways. None can be said to have absolute priority over all others at all times.’<sup>26</sup> Ignoring the potentially fluid intersection of affiliations, she says, reduces the richness of personal identity into a single opposition: group member vs. citizen. ‘This rigid framework means that once state citizens enter (or choose to remain within) minority communities, they are regarded solely as group members. And group members are further presumed to have relinquished the set of rights and protections granted to them by virtue of their citizenship.’<sup>27</sup>

Shachar concludes her critique by suggesting that if a certain group member does not avail herself of a right of exit this is because, in my view, ‘she has chosen to accept *all* of her group’s practices and policies, including those that violate her basic state-protected rights as citizen.’ And Shachar adds: ‘Kukathas’s blindness to individual differences of position within cultural community hierarchies thus allows him to condone state inaction with respect to minority groups’ affairs, even in the face of group-sanctioned, systemic maltreatment of certain classes of group members.’<sup>28</sup>

Neither Okin nor Shachar think that freedom of exit is unimportant. Their point is that, in the absence of state intervention, a formal right of exit is inadequate to ensure that any such freedom exists. And women in particular will not enjoy freedom when they are members of groups or cultures that do not nurture – or, indeed, positively hamper – the development of capacities needed

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25 Shachar 2001, 69–70.

26 *Ibid.*, 70. A similar point is made by Spinner-Halev 2000, 83.

27 Shachar 2001, 70.

28 *Ibid.*, 70.

to exercise the right to exit. A similar point is made by Brian Barry in his more general treatment of the problem of exit. According to Barry, it is 'a legitimate object of public policy to ensure as far as possible that members of associations have real exit options available to them'.<sup>29</sup> This means, for example, that 'children must be brought up in a way that will enable them to leave behind the groups into which they were born, if they so choose'.<sup>30</sup> It means that the state should intervene in cases where the costs of exit are 'excessive'.<sup>31</sup>

Should the state intervene to make exit possible, and do we need a better account of the right of exit than the plain exit principle provides? We should turn directly to this question now.

## Exit and Gender

In spite of the difficulties identified by these theorists, the plain exit principle is worth holding onto. To appreciate this we need to see what it is that the principle can – as well as what it cannot – accomplish, and to see what is troubling about the alternatives. This will require a response to the problems raised by Susan Okin in particular. Before turning to this matter, however, some of the arguments presented by Shachar need to be addressed briefly; although they do not pose so serious a challenge, they distract attention from more difficult issues and, so, need to be disposed of.

Shachar places great emphasis on the fact that cultural groups are historical entities, whose characters have been shaped as much by their interaction with the dominant state culture in which they have found themselves. Many members of groups indeed possess multiple affiliations, and are not simply members of a single group. It is therefore a mistake to 'essentialize' groups, and to turn the problem of multicultural accommodation into a simple conflict between minority group member on the one hand, and citizen on the other. It is a mistake she says I make, though it is a failing she also finds in Okin's work.

The minor problem with this is that it presents an inaccurate account of my expressed views (and also, I think, of Okin's). For one thing, I had taken considerable trouble to emphasise the fluid and mutable nature of groups – arguing that this was an important reason not to reify groups by recognizing

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<sup>29</sup> Barry 2001, 149.

<sup>30</sup> *Ibid.*, 149.

<sup>31</sup> *Ibid.*, 150. I have responded to Barry in detail in Kukathas 2002, 184–203.

group rights for present cultural formations.<sup>32</sup> Moreover, I have explicitly recognized that individuals are not only members of groups but also of another legal and political order, and suggested that this limits the capacity of cultural communities that wish to remain ‘fully integrated into the mainstream of society’ to simply go it alone and ‘live according to ways which betray little respect for the individual.’<sup>33</sup> In general, I have emphasised that the public realm itself should be regarded as the product of compromise among different groups and traditions with different values and beliefs, and that the identities of individuals, no less than the understandings of communities, are unavoidably changed by the process of interaction.<sup>34</sup>

The more serious problem, however, is that dwelling on the fact of multiple memberships or allegiances is simply a distraction from the issue when conflicts arise between the demands of group membership and the rights of citizenship. At the point of conflict there *has to be* a ‘rigid conceptual opposition between the “inside” minority group-controlled realm, and the “outside” state-controlled realm.’<sup>35</sup> The entire purpose of theory here is to address the question of how the opposition between one entity and another should be handled. And to address it properly, it is necessary to set up that opposition at its most problematic and (seemingly) intractable. There is much merit in Shachar’s contention that multiple allegiances may work to the advantage of those who advocate compromise settlements that do not enhance the power either of the state over the group, or the group over the individual. But the question remains, what principle holds when disagreement persists? One option is a principle of intervention to uphold some conception of individual rights. Another is the principle of exit. Both have their difficulties, but the latter is the one defended here.

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**32** See Kukathas 1992a, 105–39.

**33** *Ibid.*

**34** For example, I say (*ibid.* p. 85): ‘Indeed, cultural communities would be more profoundly affected by the wider society to the extent that they opt to coexist more closely with it. For example, an Indian immigrant community which had chosen (whether separately or collectively) to settle in the midst of English society might be determined to retain certain customs or practices, but would be subject to established legal provisions for, say, testator’s family maintenance. In this respect, such communities would be open to legal challenge by their own members who dissent from the rulings of the community. It would also affect the community’s understanding of the marriage contract, and possibly its understanding of the obligations of children to their parents.’ And see my ‘Cultural Toleration’, which stresses that ‘Communities have thus to strike a balance between retaining their own practices and moral ideals and compromising them in order to enter the public realm of civil life’ (Kukathas 1997).

**35** Shachar 2001, 69.

This brings us back, then, to Susan Okin's critique. The core of her argument is the claim that without the capacity for exit the right of exit is of little worth, and that some form of intervention is necessary to ensure that women acquire this capacity if they are being raised in groups that are likely to neglect to do so. That the capacity to exit is necessary to enjoy the right of exit is difficult to deny. The question here is whether steps must be taken to ensure that women acquire this capacity. This question turns on a number of issues: whether or not women can acquire this capacity without intervention; what having the capacity to exit means; and what are the implications of intervention to ensure the development of capacities. Let us address these issues in turn.

Even in the most difficult circumstances women often acquire the capacity to exit associations or arrangements they dislike or abhor, though they just as often find it difficult, or even 'impossible', to exit when they do not lack the resources to leave situations they find hard to bear. This observation holds true not only for women. And it is not difficult to see why. The poorer or less favourable one's circumstances, the harder it is to garner the resources necessary to leave them, but the greater the incentive to get what's needed and to get out. The more favourable one's circumstances, however, the easier it is to leave, but the weaker the incentive to do so. The composition of the world's refugee numbers bears out this observation: those who flee are those whose circumstances are worst, while those who remain tend to be those who have something to lose and less to gain by leaving. Those with nothing to lose cannot easily be controlled, unless their very desires are moulded. To the extent that Okin's argument is that women have difficulty exiting unhappy circumstances because of a lack of resources, her position is overstated, since many women can and do leave marriages, communities, and cultures. The greater difficulty they face is often that they may have nowhere to go if the outside world is unwilling to admit them. (I do not, however, wish to overstate this view either; clearly, the willingness of the outside world to admit someone is dependent on what that person has to offer, and someone well-educated, confident, and healthy will always be more readily welcomed.<sup>36</sup>)

But most of Okin's concern is not that women do not always have the resources to exit but that they lack the capacity even to consider the possibility of doing so. The problem is 'indoctrination', or socialization more generally, which prevents women from acquiring the desire to exit their condition. Here we

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<sup>36</sup> An anecdote illustrates this point well. An Australian migration official who recently visited the Nairobi office of the UNHCR told the resettlement officer that he should understand that he was looking mainly for professionals – doctors and engineers, preferably – who would be the best candidates for resettlement in Australia. He was less than happy to be told that he could be offered only a number of women who had been raped and traumatised.

are on trickier ground. The implication of Okin's view is that the liberal state ought to take measures to ensure that the socialization of women does not create women with the wrong sorts of desires. Then they might be capable of making better choices, including the choice to exit. The attractiveness of such a view has seemed obvious to many liberals since John Stuart Mill first advanced it. If we value freedom, surely it is important that we have social institutions which create people – citizens – who value freedom and are able to exercise it? Contemporary liberal theorists such as William Galston and Stephen Macedo have argued as much from their otherwise different perspectives. Yet it is a view that should be rejected, particularly by liberals. Why?

It is characteristic of human societies that people try to bring others around to their way of thinking, and to share their understanding of what is a good life. Many of the beliefs we hold, and particularly religious beliefs, are ours because we are socialized to embrace them. Even the philosopher, Elizabeth Anscombe, admitted that it was hard to imagine how she could have acquired her Catholic faith, and belief in some of its central tenets, had she not been raised to do so. Indeed, so necessary is the power to socialize if some beliefs are to be inculcated that important political conflicts have revolved precisely around the issue of who will have the power to shape people's understandings of what is good. What is to be done when such conflicts arise? The liberal answer is that we find ways of allowing different views to co-exist, separately and peacefully, rather than seek to establish the one true way. On this account, liberalism is about a kind of neutrality on the question of what is the good life, rather than a doctrine about the good life.

The implication of this is that it is a mistake to think that it is a part of the role of the state in a good society to ensure the socialization of its citizens in particular ways, to ensure that they do not have the wrong kinds of preferences. On the contrary, the liberal's task is to resist such calls, which will come from all quarters, and particularly from non-liberals who complain that the principle of neutrality itself exercises too powerful a socializing influence – making it more difficult for them to inculcate religious values in particular. The best reply the liberal has against the charge that liberal neutrality is nothing more than that the covert enforcement of another sectarian doctrine, is the reply that the liberal state makes possible room for dissent. It makes it possible for dissenting views to exit from the mainstream – though it will refuse to turn away those who wish to leave their dissenting communities.

This, however, means accepting all expressed preferences or desires as authentic. Even if they are the products of a form of socialization that discourages people from considering the possibility of not believing or accepting the things they have been raised to think or embrace. It means accepting that people will grow up with religious beliefs whose grounds we think utterly



implausible, and whose implications are that such people will lead a life that is completely deluded. It also means accepting that in many communities women will be brought up imprisoned by beliefs they hold without any conception of the limitations that have been imposed upon them. The alternative is for the liberal state to determine which preferences it will and will not recognize as genuine or authentic, or will and will not allow to be reproduced.

One of the real problems here is that to try to reform the ways in which women in some cultural communities are educated or raised is to go against the preferences of many women themselves. Sometimes even the most harmful practices, such as female genital cutting and footbinding have been sustained with the active and insistent support of women themselves. (I will say more on these particular issues presently.) It is difficult to foist liberation upon people, particularly when they do not see it as liberation at all. But what of cases where women already have a sense of the burdens they bear but are unable to extricate themselves because the costs are too great? Okin cites the case of a woman whose options of appealing to the law to prevent an unwanted marriage, or of changing her religion to escape its strictures, as having options which are unthinkable. Surely something might be done here?

The problem here, however, is that the woman described is not so much unable to exit as confronted with a terrible dilemma: to pursue her own happiness or satisfy her parents' wishes; to escape to freedom or to abide by her faith. The problem is that a tradeoff has to be made. The nature of such dilemmas is captured with great power in the letters of a young Javanese noble-woman, Kartini, to her Dutch friend and correspondent, Stella Zeehandelaar. Written in the early part of the twentieth century, Kartini describes both her affection for her family and people and great desire that the virtues of the Javanese will one day come to be better understood and appreciated by Europeans, and her no less fervent desire to escape from the obligations by which she is burdened as a dutiful daughter. In these letters, one of Kartini's most firmly expressed desires is to broaden her own education, and make education available to Javanese women. No less important to her is her longing not to be forced into marriage. Yet in the end she forsakes her opportunity to study abroad to stay with her ailing father, and agrees to a marriage arranged by custom. 'I must not lose sight,' she writes, 'of my duty as a child, nor those duties which I need to fulfil towards myself especially if my fulfilment affects not just my own happiness but also the well-being of others. The issue is now, how am I able to harmonize these two great duties which I have to fulfil and which are precisely diametrically opposed to each other?'<sup>37</sup>

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37 Kartini, *op.cit.*, p.81.

Kartini is perhaps precisely the kind of person Shachar has in mind when she refers to the 'beleaguered individual' confronted with the 'responsibility to either miraculously transform the legal-institutional conditions that keep her vulnerable or find the resources to leave her whole world behind.' Yet the problem for Kartini is not a lack of resources. She is educated and has the opportunity to make her own way in the world. What holds her back is her attachments. What needs to change for her to be spared the dilemma is for her parents' attitudes to change. There may be no way around the fact that responsibility for the education of parents will fall on the beleaguered individual, for no one else may be capable of effecting it.

An important part of my point here is that, in the end, responsibility for change within cultural communities and traditions has to come from within, and to the extent that such changes are necessary to give women the capacity to exit that responsibility must fall upon those women. One reason this is so is that women are all too likely to resist reforms that go against their own beliefs. We can see this in the history of two cultural practices which have been unquestionably harmful to women, and yet have persisted for hundreds of years in spite of repeated attempts to end them: footbinding in China, and Female Genital Cutting (FGC) in North Africa. One of the reasons attempts simply to end the practices by banning them failed is that both practices were too tightly woven into customs and systems of belief (including aesthetic values) that made women highly resistant to attempts to end them. More precisely, they resisted reform because they feared for the welfare of their daughters if they did not subject them to these procedures that invariably deformed and scarred them, and kept them in intense physical pain. In both cases, the fear of mothers was that their daughters would be rendered unmarriageable if their feet were not bound, or if they were not appropriately cut. No one was prepared to defect from these conventions for fear of leaving her daughters to remain unmarried in societies where single women could not survive. Footbinding in China was ended abruptly not by edict but by the formation of promise-keeping groups who agreed to defect collectively. And Gerry Mackie has argued that the end of FGC is most likely to be brought about by similar mechanisms if cultural resistance is to be overcome.<sup>38</sup> Though it has to be conceded that, in such cases, even if sanctions or punishments will not work, the mere existence of a formal right of exit is not enough. The right of exit may be hard to exercise when it requires not just one's own defection but collective action to exit collectively.

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38 Mackie 1996.

This brings us to the issue of what steps ought to be taken by the liberal state to ensure that women have 'realistic rights of exit'. At times, Okin is quite forthright in her insistence that the state should take very firm action to ensure that women are not forced into marriage, or denied an education, or subject to other forms of ill-treatment, suggesting that those who harm women in this way be punished for doing so. What exactly the state should do to punish such things, however, is not clear, particularly if parents and communities resist change. One option would be to imprison parents; another would be to remove children from their care. Both of these options have been taken by governments in the past, with limited success, and there is good reason to be sceptical about them – particularly if the welfare of children is the main concern.

The issue becomes even more difficult, however, when the power exercised by parents or community is more subtle. How would the state intervene in the case of someone like Kartini, who faces the dilemma she does precisely because of her love of her parents and her culture? Even though she regarded European ways as superior and more enlightened, and was at times driven to the brink of despair by the failure of her efforts to make education more accessible to women in Java, Kartini was not willing to go against her parents or culture, and was highly critical of the Dutch administration for its failure to treat its colonial subjects fairly. To have intervened on Kartini's behalf against her parents would almost surely have provoked her to come to the defence of her traditions and her countrymen. Blood is thicker than theory.

The matter of forced marriage also provides a difficult problem for intervention. There is usually less of a problem when the marriage is literally forced upon a bride who would run away if she could. She might still have the opportunity to escape and have the marriage annulled for having been entered into under duress. She can claim the protection of the laws of the wider society, which do not recognize marriage in such circumstances. But the problem is more difficult when the bride marries because she prefers marriage to displeasing or dishonouring her parents. The marriage in this case is forced in the sense that she has been compelled to make a tradeoff. But within the context of the tradeoff that had to be made, she was not forced to make the choice she did; she could have exited and borne the cost of parental anger, or even of being shunned. What can the liberal state do to make her condition any better if what this woman desires is both independence and parental love and approval, but desires the latter more? Her rights of exit cannot be made more realistic by giving her more resources. They can only be made more realistic by changing her desires or by changing the desires of her parents. The problem with this is that it can only be achieved by ignoring this woman's actual desires, and by invoking desires she does not hold as dear.

All of this holds even before one considers the fact that there are other problems associated with any sort of reliance on the state as an agent of social reform.

In such circumstances, intervention should be considered a last resort. But if intervention is ruled out as an option, what then remains? The argument of defenders of group rights is that the state ought to intervene positively to support groups in their efforts to maintain their traditions and practices. If, however, we take seriously the claims of those women who wish to reform their cultural traditions, it would be wrong to give any special recognition or succour to cultural groups. It would be best to recognize the freedom of all individuals to exit their communities if they so wish. This would not only offer to them some opportunity to escape from oppression but also empower them within their own communities to the extent that the threat of defection lends strength to voices of reform. At the same time, this takes seriously the concerns of communities of people who might dispute the claims of disaffected minorities, and fear that their own ways of life might be held hostage to the desires of those members who want to change it. The more is done to make exit a 'realistic' possibility, the more the community whose practices are the object of reform will rightly feel aggrieved that their way of life is being deliberately undermined. What the principle of exit attempts to do is strike a balance which denies the community the right to be guaranteed the persistence of its way of life, yet declines to authorize anyone to hasten its demise.

## **Feminism, Multiculturalism, and Exit**

Feminism and multiculturalism are in tension, as Susan Okin more than anyone has made abundantly clear. Those among her critics who have challenged her on this point, and have suggested that there might be some reconciliation between the interests of women and the claims of culture, have a point. But it is a point of limited significance, since it is one Okin can readily concede; her point, however, is that there are many cases in which no reconciliation is possible, since the two positions will come into conflict when the interests of women and the claims of culture result in contending demands.<sup>39</sup> The question is how to think systematically about the problem of addressing this conflict.

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<sup>39</sup> I have defended this view at greater length in Kukathas 2001, 83–98.

The Plain Exit Principle offers an answer to this question. What it represents is the philosophical core of a political stance that says, when people disagree about how they should live, political institutions should accommodate that disagreement rather than take sides. In reality, no political institutions can avoid taking sides at least to a small degree. In this respect, the exit principle is unrealistic insofar as it advocates a standard that may be impossible for any polity to adopt. Its merit, however, is that it attempts to strike a balance between two other alternatives with problems of their own.

The first alternative is a theory of multiculturalism that advocates strong protection for cultural groups to enable particular ways of life to endure. The problem with this view is that it ends up demanding that some of its unwilling members be coerced into supporting traditions they would just as soon abandon. This version of multiculturalism asks either that cultural communities' authority over recalcitrant members be recognized, or that the state grant communities additional resources to keep their members compliant, or that the state make it more difficult for those members to leave so that they cannot credibly demand reform in exchange for compliance. This alternative theory sacrifices individual freedom in the interests of cultural community.

The second alternative is feminism, which asserts that ways of life that neglect or trample on the interests of women should not be tolerated but discouraged. Feminism, in all its variety, is a doctrine of women's freedom; and it is one that demands that the standards of freedom be used to judge, shape, and reform all forms of human association. The problem with the feminist perspective, however, is that it offers not so much an account of how difference or disagreement might be accommodated as a critique of traditions, cultures, or legal arrangements that insist on women's unequal (and inferior) status. Its strength as an ethical theory is also its weakness as a political theory.

The Plain Exit Principle is a principle of accommodation. It is not, however, the only conceivable principle of accommodation; and its merit has often been questioned by those who consider it overly zealous in the cause of toleration. Jeff Spinner-Halev expresses this concern very clearly:

A single-minded liberal theory is in danger of losing sight of crucial liberal values. A heavy emphasis on toleration threatens equality and individual autonomy by allowing all kinds of groups to exist, regardless of their practices ... . I worry less about a theory that admits to internal tensions than I do about a theory that is much too singular in its aims. A relentlessly consistent political theory can too easily become relentlessly tyrannical.<sup>40</sup>

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<sup>40</sup> Spinner-Hale 2005, 157–171, at 171.

Spinner-Halev is a pluralist, but not what Anthony Appiah calls a ‘hard pluralist’.<sup>41</sup> He appreciates that different values have to be ‘balanced’, the one against the other, ‘so that they all can coexist, however uneasily.’<sup>42</sup> Why apply the exit principle relentlessly, rather than recognize that freedom of exit, important though it may be, is not all that matters? A more practical principle might be one such as that advanced implicitly by Alison Renteln, in her defence of a policy of ‘maximum accommodation’. She puts the point as follows:

In democratic political systems individuals expect to have basic rights such as religious liberty, freedom from government intrusion in the family, and freedom of association. But they should also have the right to follow their cultural traditions, unless these traditions cause irreparable physical harm to others. In the absence of the threat of serious harm, liberal democracies should not interfere with cultural traditions. The presumption should be that governments ought not intervene unless failure to do so would result in death or irreparable physical harm to members of the ethnic minority group.<sup>43</sup>

Surely such an approach would be more realistic, more reasonable, and philosophically more plausible than the unyielding attachment to an abstract principle? Tolerate by all means; but don’t let toleration eclipse other important values entirely.

There are two responses I would make here. The first is that principles that build balance, reasonableness, and a willingness to relent in the face of unpleasant or troubling implications do not always turn out to be particularly helpful. For the most part, all they do is shift the debate to other issues or arenas. The more reasonable principle that governments should not intervene ‘unless failure to do so would result in death or irreparable physical harm’, for example, requires that we rejoin the battle on different grounds: what counts as death or irreparable physical harm? In the debate over how to deal with cultural difference, this takes us back to where we started: what do we do when people dispute what counts as harm, or even death. (For example, in many societies even the mainstream is divided over the question of whether an aborted foetus is harmed or killed.) Qualifications bring no practical rewards.

My second response is that political theory – like philosophy more generally – should be relentlessly consistent. It would be naïve, if not absurd, to expect consistency in politics, since public officials have to respond the pressures exerted by different constituencies, and are generally happy if they can

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<sup>41</sup> Appiah 2005, 73ff.

<sup>42</sup> Spinner-Halev 2005, 171.

<sup>43</sup> Renteln 2004, 19.

mollify, not reconcile, the diverse perspectives found within political society. But philosophy, even political philosophy, is not politics. If it has any contribution to make, it is a contribution to understanding rather than to practice. And if the correct understanding is that there are many values that are important, philosophy should try to say something about how we should think consistently about the problem of accommodating or trading-off diverse or conflicting values. It may, of course, be that no principle can be devised or uncovered that will guide us through the minefield of value-conflict. We may just end up opting one way or another, under the influence of other considerations: interest, intuition, or majority power, for example. At this point, however, there is nothing to be gained by invoking a political theory whose flexibility is alleged to lend credence to this practice. We might as well admit that some of the things we do in political life have no principled basis.

The Plain Exit Principle is offered here as a way of thinking systematically about how difference or disagreement between cultural traditions might be accommodated in a consistent and principled way, assuming that there is no good reason why any such accommodation should favor the convictions of those powerful enough to implement a solution. It cannot, I think, be denied that this principle challenges important feminist concerns, just as it repudiates the demands of some multiculturalists. Both of these perspectives insist that there are important considerations at stake – the freedom of women to live autonomous lives, and the need for some people to hold on to the traditions or ways that give their lives meaning. The inadequacy of the exit principle may appear to be reflected in the fact that its resolution of this conflict leaves both parties dissatisfied. Equally, it may just capture the fact that the dilemma it addresses is a difficult one, and that no resolution is going to be entirely satisfactory.

## Bibliography

- Appiah Kwame Anthony (2005), *The Ethics of Identity*, Princeton.
- Barry Brian (2001), *Culture and Equality: An Egalitarian Critique of Multiculturalism*, Oxford.
- Barry Brian (2002), "Second Thoughts – And Some First Thoughts Revived", In: Kelly Paul (ed.), *Multiculturalism Reconsidered: Culture and Equality and Its Critics*, Oxford, 204–238.
- Bayle Pierre (1708), *Philosophical Commentary on the Words of Jesus Christ, Compel them to Come In*, London, 146.
- Coté Joost/Clayton Victoria (eds.) (1995), *On Feminism and Nationalism: Kartini's Letters to Stella Zeehandelaar 1899–1903*, Monash Asia Institute, 1.
- Kukathas Chandran (1992a), "Are There Any Cultural Rights?", In: *Political Theory* 20(1), 105–139.

- Kukathas Chandran (1992b), "Cultural Rights Again: a Rejoinder to Kymlicka", In: *Political Theory* 20(4), 674–680.
- Kukathas Chandran (1997), "Cultural Toleration", In: Kymlicka Will/Shapiro Ian (eds.), *Ethnicity and Group Rights*, NOMOS XXXIX, New York, 69–104.
- Kukathas Chandran (2001), "Is Feminism Bad for Multiculturalism?", In: *Public Affairs Quarterly* 5(2), 83–98.
- Kukathas Chandran (2002), "The Life of Brian, or Now For Something Completely Difference-blind", In: Kelly Paul (ed.), *Multiculturalism Re-considered: Culture and Equality and Its Critics*, Oxford, 184–203.
- Mackie Gerry (1996), "Ending Footbinding and Infibulation: A ConventionAccount", In: *American Sociological Review*, 61(6), 999–1017.
- Okin Susan M. (1998), "Feminism and Multiculturalism: Some Tensions", In: *Ethics* 108, 661–684.
- Okin Susan M. (1999), "Is Multiculturalism Bad for Women?", In: Cohen Joshua/Howard Matthew/Nussbaum Martha C. (eds.), *Is Multiculturalism Bad for Women?*, Princeton, 9–24.
- Okin Susan M. (2002), "'Mistresses of Their Own Destiny': Group Rights, Gender, and Realistic Rights of Exit", In: *Ethics* 112 (2), 205–230.
- Rawls John (1999), *A Theory of Justice*, Cambridge, MA.
- Renteln Alison Dundes (2004), *The Cultural Defense*, Oxford.
- Shachar Ayelet (2000), "On Citizenship and Multicultural Vulnerability", In: *Political Theory* 28, 64–89.
- Shachar Ayelet (2001), *Multicultural Jurisdictions: Cultural Differences and Women's Rights*, Cambridge.
- Spinner-Halev Jeff (2000), *Surviving Diversity: Religion and Democratic Citizenship*, Baltimore.
- Spinner-Halev Jeff (2005), "Autonomy, association and pluralism", In: Eisenberg Avigail/ Spinner-Halev Jeff (eds.), *Minorities Within Minorities: Equality, Rights and Diversity*, Cambridge, 157–171.