Affective Citizenship: Feminism, Postcolonialism and the Politics of Recognition

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ABSTRACT  A serious problem confronting discourses on recognition is that of showing equal respect for citizens’ diverse cultural identities whilst at the same time attending to feminist concerns. This article focuses on the complex issues emerging from the recent legislation prohibiting the Muslim veil in French state schools. I respond to these problems by defending two conditions of a postcolonial and feminist approach to the politics of recognition. This approach should be, first, transformative, in the sense of widening its conception of core values through an engagement with cultural difference. Second, it should be critical in its orientation to practices affecting women adversely within any social group. An integration of these concerns is proposed in terms of ‘affective citizenship’. This approach supports the different components of women’s autonomous functioning, through a universalistic commitment to the creative expression of their hybrid identities.

KEY WORDS: Citizenship, autonomy, feminism, postcolonialism, recognition

Introduction

Within debates about the conflict between cultural recognition and the protection of individual group-members’ basic citizenship rights, it is sometimes argued that feminist and multicultural objectives are incompatible (Okin 1997: 28). By focusing on ‘the headscarves affair’ in France, I address this problem by defending an account of recognition that engages with both feminist and postcolonial concerns. The approach integrates an acknowledgement of the historical marginalisation of minority value-systems by dominant liberal norms, on the one hand, and the hybrid modes of female subjectivity emerging in late-modern conditions, on the other. My proposal is presented in terms of an alternative model of recognition, namely ‘affective citizenship’. While this model does not reject the classic liberal goods of equal
freedom and autonomy, it does seek to rethink the conditions under which these goods can be comprehensively realised.

**Feminism, Postcolonialism and ‘The Headscarves Affair’**

*‘The Headscarves Affair’*

In recent years, feminist scholars have drawn attention to the intensification of gendered aspects of minority cultures. This phenomenon often occurs as a result of external pressures on those communities to ‘liberalise’ (Shachar 2001). One example of both the phenomenon, and the level of public scrutiny that it attracts, may be found in the French debate over the Muslim practice of veiling or the *hijab*. *L'affaire du foulard* (‘the headscarves affair’) is often taken to originate in 1989, when the headmaster of a school in a small town near Paris forbade three girls from attending class with their heads covered by the traditional Muslim headscarf. The issue soon provoked a national controversy, with the *Conseil d'Etat* stating that, since *laïcité* (the French Republican principle of secular neutrality) entailed the protection of religious freedom, schools could prohibit religious symbols if they were used to pressurise persons reluctant to wear them (Johnson 1989). The intensity of the ensuing controversy may be explained in part by the historical struggle in France to free educational institutions from any religious influence that would potentially undermine the ‘public spirit’ of citizens. However, it seems clear that attention to these contextual particularities cannot settle the normative question of what state neutrality should now entail. In light of new cases involving cultural differences, French institutions need to reflect more broadly upon the changing meaning of the Enlightenment ideals which structure their commitment to neutrality.

In the wake of reports of violence against unveiled Muslim girls by radical religious groups during the 1990s (Brun-Rovet 2000), more restrictive interpretations of religious freedom were implemented by the French state in 1994, in the form of the ‘Bayrou Guidelines’. Later, in 2003, Jacques Chirac ordered a commission to study the implementation of secularism (Weil 2004). Following the Stasi Commission’s report, the National Assembly in February 2004 approved a legislative ban on ‘conspicuous’ religious apparel in public institutions. The law, which was implemented in September 2004, is ostensibly neutral, in that it prohibits not only the veil but also the Jewish *kippah* (skullcap) and large crucifixes. However, one major concern is that the law contravenes Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This provision protects citizens’ freedom to manifest religious belief in public and private (Alibai 2004). Moreover, the *hijab* issue is controversial because it appears to present two very different problems. These arise from feminist and postcolonial standpoints respectively. On the one hand, feminists evince a universalistic concern that women and young girls should not be pressurised to conform to any group’s community norms. From a postcolonial perspective, by contrast, the intense focus on the *hijab*
entrenches existing social prejudices against minority (in this case, Muslim) value-systems. From this perspective, the new law undermines a historically vulnerable minority group’s need for equal recognition. Since these two concerns appear to be equally important, but to pull in different directions, it is worth examining each in more detail.

Feminist and Postcolonial Perspectives on the Hijab Controversy

Liberal feminist philosophers such as Susan Okin (1999) have recently asserted an unavoidable conflict between the ideals of gender equality and cultural recognition. In the French controversy over the veil, this view is apparently endorsed by a prominent feminist intellectual, Elisabeth Badinter. She has claimed that the foulard represents ‘the oppression of a sex’ (1989: 70). The choice to wear the veil, she argues, is tantamount to renouncing one’s personal autonomy. Her objection is that, even if Muslim girls might appear to choose this practice autonomously, this does not mean that they are autonomous. This is because the content of their cultural norms – namely, the Muslim values of female restraint, modesty and seclusion – are opposed to personal autonomy. Badinter’s perspective evokes the Millian view that a person cannot freely submit to slavery, nor prefer a slothful life to one of Socratic questioning (Mill 1985 [1874]). A person’s autonomy depends not only on how they make their choices, but also on what they choose. For Badinter, then, autonomy depends in key part on the content of one’s choices. This commitment to ‘content-dependent’ autonomy indicates Badinter’s universalistic feminist concern about the risk of women’s subordination within their cultural communities.

By contrast, the problem from a postcolonial perspective is precisely the universalism of the language in which the hijab debate is frequently conducted. Postcolonialism focuses on the entanglement of modern, liberal discourses with subtle forms of Western ethnocentricism. While its purpose is not to dismiss the commitment to liberal autonomy, this standpoint helps to draw attention to particular difficulties lying at the root of the assumptions of this tradition. One preliminary concern is that the ideal subject of civil society presupposed by Western discourses privileges a ‘self-constituting’ autonomous citizen, while sexual or cultural difference is presented, implicitly or explicitly, in opposition to this ideal (Bhabha 1994: 11; Chakrabarty 1992; Prakash 1990). This premise marginalises the conditions of freedom residing in one’s own culture, and instead takes autonomy to be a constituted property of abstract or decontextualised personhood. In essence, this is a concern about the subject of liberal recognition. Furthermore, liberal recognition is problematic from a postcolonial perspective because it often presumes a stable world of public meanings and symbols. It relies on a settled public-private distinction which frequently fails to engage with Third World women’s struggles for emancipation. For example, during French colonial rule in Algeria, unveiling was seen as a paradigmatic mode of North African women’s liberation. If women chose to wear the veil in the public sphere, their presence provoked confusion, and even anxiety and paranoia (Bhabha 1986: viii). To challenge, as some Algerian women did, the
stability of this public world of meanings is essentially to problematise the nature of the venue of liberal recognition. Moreover, a third and more constructive postcolonial concern about the hijab debate is its desire that liberals account for a hybrid subject of multiple affiliations, a subject who occupies perfectly neither the discourse of liberal modernity nor that of indigenous tradition (Bhabha 1994: 38). From this perspective, citizens are not taken to be autonomous in virtue of their common political rights. Rather, they become autonomous through their practical negotiation of different discourses of value. This dimension of the postcolonial perspective relates essentially, then, to the practice of liberal recognition. It is reflected in Third World women writers’ concern that feminists should attend to the lived experiences of subaltern peoples, in order to resist any false universalism within the category ‘woman’ (Mohanty 1988). In summary, these dimensions of the postcolonial perspective on the hijab controversy emphasise the need to address the historical marginalisation of minority values in any defence of culturally diverse women’s rights.

In order to address the feminist and postcolonial concerns together, we need an account of recognition that integrates two ethical commitments. Firstly, irrespective of one’s conclusions about the justice of specific practices, the value-systems from which these practices derive require equal consideration in the public sphere, in order to transform persistently unequal relations between groups. Second, the criticism of cultural practices should remain consistent with such equal consideration. The hijab controversy illustrates the need for exactly this integration. Rather than entrenching female domination, the veil can express free belief, self-protection against male pressure, or even freedom against secular parents (Gaspard & Khosrokhavar 1995). Thus, considering the importance that liberal theories have historically attributed to unsettling traditional meanings, the ‘multivalence’ of this symbol signals the insufficiency of a discourse based purely on abstract notions of autonomy. Such a discourse sustains oversimplified oppositions between ‘liberal’ and ‘illiberal’ cultures, which are problematic in a world of hybrid identities (Morruzi 1994). While a postcolonial feminism need not forsake the liberal good of autonomy, it should nonetheless strive to be transformative, by seeking to understand and respect minority cultures’ interpretations of value. It should also be critical, by contesting powerlessness within all social groups. The project, in sum, is to question the purity of either indigenous or liberal values in defining the terms of equal citizenship. To achieve this end, we need a more concrete account of autonomy than the standard liberal one.

Citizenship and Affectivity: Protecting Two Dimensions of Autonomy

Let us focus first on how the social undervaluation of minority value-systems affects diverse citizens’ capacities for freedom. I begin from the premise that individuals’ capacities for autonomy are related in important ways to their location within different cultures. Recall Badinter’s claim that the veil represents a denial of women’s autonomy. Her assertion is questionable, for even if some cultural value-systems do
not prioritise an individualistic life of autonomy, conceived as the ‘rational revisability’ of a conception of the good (Kymlicka 1990, citing Rawls 1971: 178), it is probable that citizens nonetheless derive autonomy-related benefits from living by their cultural values.

Minimally, the concept of autonomy involves the freedom to assess critically the value of one’s inherited ends. However, liberal political thinkers sometimes conceive this value more ‘thickly’, taking it to involve the revision or even the rejection of one’s most deeply cherished ends, in a ‘disengaged’ exercise of one’s individual will (Lindley 1986). This thicker account plays down the significance of personal attachments in both the formation and pursuit of an autonomous life (Mendus 2000a). It is problematic to assume that autonomy is a natural characteristic of human beings. Rather, as Kymlicka (1990: 165) argues, a ‘rich and secure’ cultural identity provides the necessary structure through which an individual forms her capacities for meaningful choice. Accordingly, I will call the basic, freedom-related capacity which accrues to a person through a public respect for her cultural values, ‘structural autonomy’. Kymlicka, however, proceeds to claim that the point of protecting structural autonomy is that it helps to produce a liberal autonomous self (1990: 166). In a manner that echoes Badinter’s defence of content-dependent autonomy, Kymlicka thus circumscribes the internal rights of what he calls ‘illiberal’ cultures to preserve their traditional practices (Kymlicka 1995). My concern is that Kymlicka’s assumption underestimates the internal complexity of the notion of autonomy; and, in particular, that it fails to account for the cultural-specific ways in which women exercise their agency. They frequently do so not by rejecting, but by redefining and regenerating, their inherited discourses. This means that some women may indeed exercise their autonomy by living a ‘self-directed’ liberal life; but others may instead self-consciously opt for a life that delimits ‘the confusing array of lifestyle choices in the modern world’ (Deveaux 2000: 133). To this extent, an appropriate defence of liberal autonomy should be ‘content-independent’. This point is recognised in international human rights discourse, where it is often argued that the protection of fundamental liberties is compatible with the idea that Asian children, for example, continue to give much greater weight to the views of their families in decisions to marry; or to their desire to live in a harmonious social order. Analogously, the doctrine recognises that Muslim women’s struggles for emancipation should be ‘religiously and culturally’ informed (Donnelly 1999). From a pluralistic feminist perspective, then, ‘culture’ is important not only in protecting a person’s structural autonomy, but also for its continuing importance to the mature individual as a framework of meanings through which she might express her unique personal identity. I call this component of a person’s mature freedom ‘discursive autonomy’. Recognising structural autonomy as a human need necessitates the transformation of social relations through the positive representation of minority values. Recognising discursive autonomy as a distinct need entails the public protection of the individual’s capacity to negotiate different discourses of value.

The human need for structural autonomy can be illustrated by referring again to the hijab controversy. The French state’s implication that Muslim practices are
‘combative’ or intended to ‘proselytise’ indicates social prejudices that cannot easily be separated from a lack of understanding of this tradition’s values. This failure of understanding serves to stigmatise Muslim girls unfairly in educational settings. Before we see veiling as a problem of intercultural moral disagreement, therefore, we have to be sure that issues of social inequality have been addressed. This does not mean that we should see all problems of intercultural disagreement as mere by-products of social inequality; but it does mean that presumed moral differences should not provide an excuse for legitimating or condemning ‘the other’.

Respecting this point introduces my alternative approach to recognition, which I call ‘affective citizenship’. This model strives to be both transformative and critical. It responds to the postcolonial concerns outlined earlier, whilst also meeting the feminist demand for universalist critique. The approach follows those who recognise that cultural identity can be conceived as a language or a framework in which the negotiation of meanings takes place. On this understanding, cultures resemble discourses containing pre-understandings that structure people’s beliefs about life and morality (Taylor 1985: 237; Geertz 1973: 111). Taylor, for instance, argues that languages are the primary filter through which a people expresses its historical memory and sense of future identity. Though the porous character of cultural languages means that they might be difficult to identify in practice, recognition should begin with their equal consideration. Crucially, however, this commitment to cultural equality does not entail that all practices are automatically self-validating. Rather, this account distinguishes between the equal consideration of all languages and a polity’s endorsement of every practice that a given language appears to justify.

By contrast with abstract notions of unitary citizenship, this approach recognises the emotional relations through which identities are formed. Beyond one’s immediate family connections, a person’s most significant human bonds are likely to be with those who share one’s experiences of social disadvantage (Simpson 2000). These experiences are often constituted through direct or remembered pain, loss, humiliation or even the psychological disorientation which postcolonial writers associate with the effects of colonial domination (Fanon 1967: 78). However, against this, one might argue that the emphasis on affectivity is too risky, especially because of the historically devalued association of women and minority cultures with the notion of ‘care’. Subordinate groups in Western democracies have long criticised individualistic conceptions of the self in moral psychology and in political theory, on the ground that such notions service the needs of persons with greater societal power. Nonetheless, the risk is that emphasising \textit{socially embedded} conceptions of the self undermines a person’s claims qua moral rights, and characterises them instead as special favours (Mendus 2000b; Okin 1989). Yet absolute contrasts between reason and rights, on the one side, and emotion and affectivity, on the other, have been resisted by influential feminist thinkers, who have instead convincingly established the interdependence between these categories (Gatens 1996). Affective citizenship follows their lead, by insisting that emotional connections and
dispositions support citizens’ most important reasons for action. Such connections may also explain, therefore, the basis for a set of difference-sensitive rights.

One important issue is why this premise should motivate all citizens to take responsibility for the existing unequal relations between social groups. Why should members of the majority recognise the value of the minority’s emotional bonds? Crucially, affective citizenship presumes that citizens’ structural autonomy is formed not through just one set of affective bonds, but rather through commitments to multiple, intersecting communities. For example, young Muslim women define their identities through their families, their religion, their nationality and, perhaps, a transnational community of women. In postcolonial conditions, the presumption of a citizen’s multiple affiliations unsettles both the majority and the minority’s preconceived distinctions between ‘identity’ and ‘difference’, and between ‘insiders’ and ‘outsiders’. The recognition that the condition of hybridity is central to all identities should motivate each and every citizen to take responsibility for transforming unequal group relations. The aim should be to reestablish them as bonds of trust and mutuality.

Affective citizenship responds concretely to the three postcolonial concerns stemming from the ‘headscarves’ debate outlined earlier. It does so by proposing three broad shifts in political theory which are developed from, but go beyond, the recent work of Monique Deveaux (2000). (1) The model addresses the problem posed by the traditional subject of liberal recognition, by abandoning the idea of a ‘strong’ consensus on concrete policies that is capable of being endorsed by all self-constituting autonomous citizens. It justifies, instead, institutional mechanisms that ensure the respect for minority values necessary for developing diverse citizens’ structural autonomy. (2) In order to support structural autonomy, this approach also challenges the stable world of meanings as the venue of liberal recognition, by pluralising the permissible languages of public reason-giving. (3) Finally, affective citizenship addresses the postcolonial concern to respond to the hybrid identifications of citizens, by shifting its focus from a presumed consensus on ethical values to a ‘thin’ consensus on the citizen’s discursive autonomy. This account prioritises the citizen’s practice of negotiating the demands of plural communities of value.

Affective Citizenship: Affirming, Revaluing and Creating Bonds

The inequalities confronting persons of minority identities can undermine their structural autonomy, by denying them a sense of having the right to speak in public. Shared experiences of such disadvantage can create bonds between some citizens; and they can, conversely, sustain emotional distance between others (Ivison 2002: 90). Hence, many minority cultures’ claims express not so much a demand for group autonomy as a plea to the wider community that their values not be socially denigrated (Honneth 1992). It follows from this proposition that inequalities between cultural groups, which arise from the miscomprehension of their values, should be transformed through inclusive public strategies. Such policies should prefigure either the public recognition or the prohibition of specific practices. Affective
citizenship defends two such schemes, namely group representation and democratic communication. I now explain each of these measures in turn, noting in the process how they also promote discursive autonomy, and hence the capacity to contest intra-group oppression.

Promoting Structural Autonomy through Group Representation

By giving minority cultures a voice within the public sphere, group-representative mechanisms constitute a crucial measure in protecting citizens’ structural autonomy. This is so if one accepts that those who have suffered common experiences of marginalisation might share a perspective on human needs which is otherwise opaque to the wider polity. This perspective might take the form of a distinct discourse, encompassing the ‘kinds of experience and assumptions with which reasoning begins’ (Young 2002: 137). On this view, we do not have to assume homogeneity in group-members’ opinions on all concrete issues. Rather, we need only presume that they share a common ‘memory’. This is to say that group members are united through a common interpretation of the past as a narrative of discrimination, and through their need to overcome the negative social meanings that such a narrative has imposed upon them historically (Williams 2000: 181).

Prioritising group representation addresses the first postcolonial concern cited earlier, namely that of the self-constituting autonomous citizen. The idea that a person’s capacity for freedom is formed in key part through the affirmation of her cultural perspective is highlighted by recent empirical studies of the ‘human’ aspects of immigration, and of the profound impact of cultural displacement on ethnic minority youths. These studies strongly support modes of positive cultural representation, in order to foster an individual’s sense of control over her life and her future adaptability to rapidly changing circumstances (Kagitcibasi 2003; Selzer 1980). Such representation equips the individual with the psychological resources to assuage the difficulties associated with making major life-choices, and also to overcome phenomena such as ‘learned helplessness’ and escapism, which risk affecting those who attribute their failure to achieve their goals to social disadvantages (Miller & Norman 1979: 111–113).

Affective citizenship’s commitment to cultural representation is sufficiently broad to justify joint governance, corporate cultural rights, and a veto power for groups with regard to policies that directly affect them (Young 1989: 257–259). That these mechanisms function as a ‘politics of needs interpretation’ is an attractive proposal. After all, such ‘epistemic privileging’ lay behind some arguments for extending the franchise to American women at the turn of the century. Processes of industrialisation during this period meant that issues of hygiene and health, which had been previously classified as domestic matters, were given a public focus. Feminist activists argued that women should have an equal place in politics. Since their role was traditionally located in the home, they would have insight into these issues that men did not generally have (Williams 2000: 128–131; Addams 1914). By extension, religious minorities are likely to have insights into the contemporary
difficulties in applying principles such as equality and neutrality in publicly secular, but socially multifaith, societies. To invoke the *hijab* case again, enabling Muslim groups to articulate their own reasons for veiling first involves securing their voices in consultative mechanisms. This process would help to transform what might initially seem to the majority an arbitrary expression of group interest into an ethical entitlement or right (Young 1995: 185).

To summarise, group-representation responds to the first postcolonial concern relating to the *subject* of liberal recognition. The state’s support for this measure would entail its acknowledgement that autonomy is not a property of abstract or decontextualised personhood. Rather, an individual’s autonomous functioning is constituted in key part through her inherited bonds. While the measures defended here involve abandoning the ideal of consensus across the polity on concrete policy-proposals, and while value-related disagreements might persist between citizens of different cultural groups, this strategy is beneficial in enabling minorities to articulate the meaning of their own traditions. In so doing, representation fosters their capacity to challenge the stereotypes imposed on them. For example, the fact that the veil has been taken to be ‘ostentatious’ in France suggests that this symbol is viewed as a public statement, regardless of a Muslim’s reasons for wearing it (Galeotti 2002: 125–126). However, the first step in addressing this problem is not automatically the inclusion of Muslim symbols in schools, since such an outcome might seem to discriminate unfairly against Catholics and Jews, who have historically been required to separate their public and private identities. The deeper issue is that prior democratic consultation is necessary to protect minority citizens’ structural autonomy. This strategy secures the framework through which their autonomous choices make sense, by giving a voice to their conceptions of value.

**Affectivity, Reciprocal Transformations and Democratic Communication**

The group-differentiated policies guaranteed through the commitment to representation might risk promoting a ‘mosaic’ conception of multiculturalism, or a sociologically naïve conception of cultures as discrete wholes. Taken alone, these measures might fail to meet the objective of promoting citizens’ structural autonomy. For, given the fact that citizens’ identities are formed through different, overlapping discourses (for example, both through their cultural language and via the wider discourse of their nation-state), the project of respecting cultural values publicly must involve their disclosure and transmission in a sphere that is wider than the inherited discourse itself. Therefore, the commitment to group representation should be combined with the democratic communication of reasons across different meaning-generating communities. Such practices further facilitate the ‘affective’ social transformation of group relations. This is because, through the communication of cultural meanings, both public and nonpublic identities are changed or adapted in the context of their interaction. Such dynamic practices directly address the postcolonial criticism of a venue of recognition that is constituted by a stable world of public symbols.
This dimension of affective citizenship assumes that those who lack self-confidence might be disadvantaged by the very standards of rationality presupposed by dominant deliberative norms. Hence, democratic communication in the sense advocated here avoids assuming the existence of prediscursively shared values between the deliberating parties. It also includes communicative styles wherein the logical connections between assertions and reasons might remain suppressed or implicit (Young 2002: 111). Furthermore, and most ambitiously, this account avoids presuming strongly shared values to which the discussion always leads. The minimally shared ideal presumed by affective citizenship is that, through the discussion, the polity as a whole might transform its understanding of common human goods. For while one can never understand the other’s perspective perfectly, one can try to grasp it approximately through seeking to comprehend different practical usages of terms such as ‘equality’ and ‘freedom’. A necessary condition of this dialogue is that citizens remain open to the idea that the conversation might enhance a shared grasp of common concerns. Recognising the sheer variety of cultural interpretations of core liberal goods promotes a ‘composite’ understanding of human well-being. Transformations of group relations can thus occur for both dominant and minority groups alike. For example, minority citizens may be affected and potentially transformed through the public exchange of reasons. In their endeavour to justify their traditions in terms of a conception of human well-being, group leaders would be encouraged to respond to the plight of those members who do not enjoy the welfare standards endorsed by their own community norms. It seems plausible that cultures are continually engaged in such processes of practical adaptation in the context of their overlap with others. It is likely, therefore, that their internal self-definition is communicatively produced. This kind of adaptation is desirable, if it occurs between subjects who understand themselves as equal participants in moral discourse (Benhabib 2002).

Reciprocally, majority citizens can be affected beneficially through their encounter with minority discourses. The commitment to democratic communication presupposes a wider domain of public reason than liberal theories normally support (Rawls 1993: Lecture IV). This sphere includes diverse modes of expression such as greeting and storytelling, and the different discourses present in a diverse public sphere (Young 2002). Therefore, through the exchange of plural public reasons, citizens of the majority would come to conceive how alienated young Muslim girls might feel from the public culture as a result of the prohibition of their religious symbols (Galeotti 2002: 212). Through a deeper appreciation of Muslim values, all citizens could potentially conceive how confusing and threatening this prohibition might be to the girls; how the ban, in all likelihood, would fail to produce an environment in which they could develop educationally; and how it would therefore not produce egalitarian outcomes (Parekh 2000: 253). Moreover, exposing all citizens to Muslim values in schools might promote the common goods of multicultural education for all. The exposure would encourage all students to think critically about ethical diversity, and might thus foster public spirit through mutual understanding (Spinner-Halev 2000: 101). The inclusion of a plurality of reasons in
educational contexts, then, stands to enhance the structural autonomy of majority and minority citizens alike. Plural public reason thus responds directly to the postcolonial criticism of the venue of recognition. It does so by unsettling the boundaries between public and private discourses; and by demonstrating that the latter may impact on the former in a socially transformative way.

Having recognised that their cultural narratives are mutually implicated and can affect one another positively, all citizens would be encouraged to question their preconceived distinctions between ‘selfhood’ and ‘otherness’, and between ‘identity’ and ‘difference’. Such boundary-questioning is crucial in promoting solidarity between and among women of different cultures in postcolonial conditions. Accordingly, this approach emphasises the different conceivable trajectories of women’s self-determination. It highlights the different ways in which women’s mature, discursive autonomy may be exercised (Cooke & Lawrence 1996: 326). In spite of rejecting a strong universal consensus on values, the next section explains that a different kind of universalism emerges from affective citizenship’s premises.

Affective Self-Concept: Discursive Autonomy and In-group Oppression

I have argued that the reason for publicly prohibiting or supporting a cultural practice cannot be found in the presumed difference of the minority’s values from those of the majority culture. To assume absolute difference prematurely encourages an unwarranted opposition between liberalism and other cultures, with the implication that the former fares better than other traditions with respect to gender equality (Tamir 1999: 51). Moreover, positing the mutual exclusiveness of traditions as the starting-point in a debate about, say, the *hijab* ignores the syncretism and openness to difference at the heart of liberalism, as well as the important work of Muslim feminists in reinterpreting the relationship between the Qu’ran and the idea of equal rights (An-Na’im 1990). However, recall that affective citizenship seeks to integrate the transformation of group-based inequalities with a critique of the abuse of power within any group. Consequently, even though communicative and representative mechanisms must be taken to prefigure judgements about specific practices, these measures cannot be assumed to validate all such practices in principle.

A universalistic standard that articulates the critical distinctions in this issue is consistent with, and constitutes the reason for pursuing, the transformation of group-based inequalities. The deep rationale for valuing the overlap between different communities lies in the intersubjective value that citizens should logically place on individuals’ discursive autonomy. Earlier, I defined this capacity as the citizen’s competence to negotiate the ethical demands of different value-systems. The importance of this capacity can be illustrated by Muslim women’s contemporary reworking of the different discourses in which they find themselves embedded. While, for some, veiling might represent a symbolic endeavour to resist or unsettle both indigenous and liberal values (Carens 2000: 159), others welcome the law against the veil, on the ground that it enables them to stand up to pressure from radical religious groups (Ternisien 2003). This notable lack of consensus between Muslim women
M. Mookherjee illustrates the fact that feminist issues diverge within and across national contexts, and that these issues cannot be divorced from wider transnational (political and economic) forces (Narayan 1997). At the same time, the divergence between women on concrete political agendas discloses a deeper area of common ethical commitment for feminists across cultures and nations. The disputedness of most cultural practices strongly suggests that the point of concern for postcolonial feminists is not that the values that such practices embody differ from liberal norms. Rather, the common feminist worry is that the wider life-conditions of the women involved deny them the crucial capacity for thinking critically about the relation of a given practice to their cultural and political discourses. Articulating a universalistic standard in affective citizenship involves, then, shifting our theoretical focus from women’s ‘thick’ interpretations of value (for, as we have seen, these interpretations differ cross-culturally). We focus instead on the mature capacity of at-risk individuals to resignify both their inherited cultural narratives and the public world of meanings, by asserting a ‘quasi-personal’ identity (Benhabib 2002: 94). Such a capacity for resignification is important because, while many ‘traditional’ practices are oppressive to women, the nature of this oppression can only be evaluated by understanding its location within different systems of power. Accordingly, the individual’s mature capacity defended here builds upon the structural autonomy gained through practices of communication and representation. However, the individual exercises this capacity through her attempts at ‘individualisation’ (Honneth 1992: 111), that is, her assertion of her unique identity in the world at large.

The individual’s actualisation of her discursive agency proceeds from her developed psychosocial experience of self-esteem, or emotional ‘self-concept’ (Honneth, 1992: 145-7). This self-conception differs from that central to structural autonomy. While structural autonomy establishes one’s sense of dignity in the eyes of others in the formative periods of one’s life, through a public respect for one’s inherited values, one’s mature self-concept entails a competence to enter the public world in order to negotiate critically the relationship between different systems of influence, power and value. Since mature identities are expressed through multiple, cross-cutting communities (Young 1995: 86), patterns of internal domination within groups can be contested on the ground that any practice denying the fluidity of identity is unsuitable for public toleration. Affective citizenship’s emphasis on the individual’s discursive agency, then, means that any one cultural narrative is subject to revision (Cooke 2002). This assumption does not presuppose strong consensus on shared ends, and is thus sufficiently thin to encompass a variety of conceptions of the good. However, the approach situates the agent in both public and nonpublic normative practices, which are aimed at the creation of new meanings through a reinterpretation of the old.

We should consider here whether this assumed consensus trades on the idea that diverse women must have lost genuine faith in their group-based religious beliefs. We need to ask whether the assumption attributes to women a cynical awareness that their religious identity must be conceptualised as merely one option amongst many within a secular, ‘disenchanted’ public sphere. To value women’s discursive
agency might seem to divest religious beliefs of their ‘nonoptional’ and categorical character. However, many women whose lives are defined by traditional values might argue that this assumption misconstrues their most important reasons for action. In this case, affective citizenship would presumably fail to create the bonds of trust and sympathetic understanding of the other’s perspective which, as I explained earlier, is a crucial component of this account. Critical reflection on one’s inherited ends, however, need not imply cynicism or disenchantment. The self-reflexivity assumed here suggests a different orientation to one’s deepest commitments in modernity. It suggests the possibility of ‘pluralisation as regeneration’ (Benhabib 2004: 294). This is the idea that, in expanding the sphere of others to whom one justifies one’s commitments, one thereby revitalises them. Of course, conservative group-members may worry about the internal changes to in-group relations that this account might encourage. Yet this objection cannot be decisive. Conservatives are likely to find other aspects of affective citizenship equally problematic, such as the commitment to democratic communication as a means of securing structural autonomy. Since those who have vested interests in the perpetuation of oppression might contest the desirability of raising one’s ‘threshold of justification’ (Benhabib 2004), they are also likely to reject appeals to the ‘composite’ conception of the common good defended earlier.

Affective citizenship recognises the ethically ambiguous way in which all discourses function. It acknowledges that cultural value-systems may constrain and liberate individuals at the same time. As a result, the ideal of discursive agency is a more inclusive notion than that which is often assumed by comprehensive liberal conceptions of autonomy. It refers not to the ability to dissociate oneself from or reject one’s conception of the good, but rather to the capacity to see that one’s justificatory thresholds increase as one becomes conscious of one’s embeddedness in different discourses, and of one’s existence at the nexus of religion, nation, transnational culture and feminist practice (Cooke 2002: 158). Such heightened self-consciousness can lead to emancipation without, as one thinker puts it, ‘tearing apart the fabric of different world-views’ (Benhabib 2004: 234). Moreover, this conception is inherently pluralistic, in the sense that it identifies liberalism itself as a particularly complex discourse with which minority women may need to engage critically. The account rests on a ‘rhizomatic’ conception of multiculturalism. This notion assumes a network of ethical sources from which the reinterpretation of liberal goods might proceed. It allows citizens maximum capacity to form alliances along local and transnational lines (Connolly 1996). New configurations of cultural identity become possible on this basis. For example, Aboriginal peoples’ assertion of ‘rights’ in the mainstream Australian legal system indicates their success in raising the justificatory threshold of their values. In exercising their discursive agency, they have succeeded in protecting crucial aspects of their way of life (Benhabib 2004: 293).

While the emphasis on discursive agency cannot hope to resolve all conflicts between group rights and individual claims, it does show that a democratic polity’s concern for individual welfare can be consistent with its rationale for cultural recognition. It demonstrates this integration in a way that makes better sense of women’s
positioning within different discourses than those which treat the commitment to group-based justice as discontinuous with the protection of individual rights. Such accounts emphasise vulnerable group-members’ ‘rights of exit’ or ‘choice-options’ (Kukathas 1992; Shachar 2001). However, paradoxically enough, these measures do not account sufficiently for the (existential and material) difficulties associated with distancing oneself from one’s inherited traditions.\(^\text{10}\) By contrast, discursive autonomy recognises the ‘non-optional’ nature of religious norms; but it nevertheless assumes that women should be empowered to negotiate the practices that express those norms socially. This assumption constitutes the ethical core of affective citizenship. Cooke (2002) formulates this commitment in the context of the *hijab* debate as Islamic feminists’ possibilities for ‘multiple critique’. This kind of critique rests on women’s identification with different communities, each problematising its relation to any unitary conception of membership. ‘Multiple critique’ seeks to ensure that women are in a position not only to challenge the norms of their political regimes, but also their own religious and family contexts. This means that discursive autonomy responds directly to the final postcolonial concern about the *hijab* controversy. To recall, this is the frequent failure of liberal discourses to pay due regard to citizens’ complex identifications. Discursive autonomy meets this concern by shifting the focus from consensus on strongly shared values to citizens’ substantive capacities for the practical negotiation of their unique, hybrid identities.

In summary, the transformative and critical practices of affective citizenship respond to the three postcolonial concerns identified at the beginning of this article. These practices are representation, communication and the cultivation of the individual’s aptitude for renegotiating inherited meanings.

**Reclaiming Universalism: Legal Intervention in Cultural Practices**

The ‘structural’ and ‘discursive’ dimensions of personal autonomy, then, provide a nuanced account of culturally diverse citizens’ interests. These dimensions of autonomy underwrite, in their turn, the socially transformative and critical aspects of affective citizenship. On this basis, the model responds to both the feminist and postcolonial concerns about the *hijab* controversy. Moreover, taken together, the transformative and critical aspects of affective citizenship can help to evaluate the case for democratic legal intervention in cultural practices more broadly. In this issue, a distinction should not always be maintained between a contested social practice, on the one hand, and the cultural value that justifies it, on the other. In complex democracies we find many values, including xenophobic and homophobic beliefs and anti-immigrant sentiments. In such cases, affective citizenship’s justification for legal intervention lies in the close connection that might have to be drawn between a discourse of value and the other-regarding practices that the discourse might legitimise. The public censorship of, say, white supremacist values might compromise the structural autonomy of youths from white supremacist backgrounds. Nonetheless there is a strong case for public censorship if the discourse constitutively endorses practices that violate other individuals’ potential for
structural autonomy. The norms central to a white supremacist identity are tied inescapably to practices of social domination which aim to denigrate and marginalise those outside that group’s boundaries. There exists, on this basis, a prima facie reason for legally prohibiting the free expression of these norms.

If a cultural language does not constitutively advocate other-regarding practices of domination, however, the cultural community might still practise *internal* oppression. Here the case for legal intervention is more complex. As explained earlier, one needs to separate the discourse of value from the practices that it apparently justifies. One difficulty facing legislators is that, while women often claim to choose practices such as veiling, FGM or widow-immolation (*sati*), and while one might rightly think that women’s cultural values are important sources of their structural autonomy, oppression is often perpetuated precisely because it is rationalised by the victims. Moreover, women’s unequal power to contest discrimination is often entrenched by means of informal sanctions, in the context of which they face the harsh alternatives of either conforming or exiting from their communities (Shachar 2001). In the light of its commitment to structural autonomy, how can legal institutions ascertain the necessity of safeguarding women’s *discursive* autonomy? I suggest two ‘minimalist’, culturally sensitive tests. The first contends that legal intervention is appropriate only where there is a strong reason to believe that the identity-related goods, or the contrasting benefits, of the practice are outweighed by its extreme physical or psychological consequences. Put differently, legal intervention is justified if the practice generates disproportionate *internalisation costs* for the individual. Investigating the contrasting benefits of a practice involves a democratic engagement with the thick values supporting the practice, in order to understand the advantages that the tradition might bring to the individual’s structural autonomy. However, if, in the general case, its outcome is physically or psychologically extreme, legal institutions have reason to conclude that this mode of transmitting and sustaining cultural values is excessively anti-democratic. This is because such effects preclude the individual’s future renegotiation of her interests with the values embedded in different discourses. The consequences of the practice can be taken to undermine her discursive agency.

This test can be illustrated through a brief comparison between veiling and widow-immolation. Consider, first of all, that the general outcome of veiling is not extreme, even if some Muslim girls support a legal ban as a means of reducing the community pressures upon them. In fact, as we have seen, in postcolonial conditions the veil often *facilitates* Muslim women’s renegotiation of the perceived conflicts between their religious and political discourses. Therefore, legislators cannot hold that this practice generally undermines their discursive autonomy. Legal intervention is thus hard to justify here. By contrast, consider the generally extreme effects of widow-immolation (namely, death or serious disability). While there may exist cases in which women choose this practice out of uncoerced belief, there is still a strong reason for a law prohibiting the practice. On the one hand, public authorities need to recognise the contrasting benefits that women derive from adhering to the values which, according to some, support widow-immolation – namely, freedom
interpreted as enlightenment or spiritual liberation (Stratton-Hawley 1994). On the other hand, given the dire and often fatal effects of this act, one suspects that the life-conditions of the women who ‘choose’ this practice deny them the psychological capacity, or adequate self-concept, to renegotiate their interests, their community norms and their wider political structures. By direct contrast, in the case of veiling, the benefit of protecting those individuals who are indeed subjected to social pressures is outweighed by the cost of undermining Muslim girls’ general autonomy through a legal ban.

Affective citizenship also requires a second test, namely that the legal prohibition should be a ‘last resort’ measure (Jareborg 1995). That is to say, other forms of social intervention should be insufficient to address the harm caused by the practice. For example, the measures necessary to transform the distributive inequalities that lead to the few contemporary commissions of sati in India are complex, and their implementation is a lengthy process. Therefore, such measures cannot replace the need for immediate legal protection for at-risk individuals (Parekh 2000: 281–282). Once again, this case may be contrasted directly with veiling practices. It would be both more reasonable and more effective to address the social conditions that inhibit some Muslim women’s freedom to choose, rather than seeking to ‘protect’ them legally by further curtailing their choices. Addressing these social conditions would require an interventionist state, in order to institute social programmes that encourage the emergence of a civic ethos of ‘critical responsiveness’ to difference (Connolly 1991). Such an ethos would address the social disaffection of minority groups and, at the same time, the intensification of discrimination against historically weaker group-members (Connolly 1996: 86; citing Foucault 2001). While the creation of this ethos is a complex social achievement, it would represent a genuine attempt to promote social harmony between groups. It would help to construct a secure background from which Muslim girls could navigate between the various sources of their identities.

Affective citizenship holds, therefore, that a legal prohibition of the hijab is unjustified in France. The ban fails both tests for legal intervention in this account. To recap, it fails the ‘internalisation costs’ test because the physical and psychological effects of veiling are not generally extreme; and one may conclude on this basis that Muslim girls’ discursive autonomy is not threatened by the practice. While some young women are indeed subjected to violence for not wearing the veil, the first test rules against addressing this kind of oppression through prohibitive legislation. The legal ban on the veil equally fails to pass the second (‘last resort’) test. While the aim of the law is to address the community pressures experienced by some young Muslim girls, confronting this problem must first involve instituting measures to enhance diverse citizens’ respect for religious diversity. Coercive or prohibitive legislation should be the final resort, instituted only where a grave risk to individual well-being persists regardless of these social measures. This is important because, without first attempting to address the disaffection of Muslim groups from the wider polity, the law is likely to exacerbate the very problem that it seeks to address. For this reason, the Stasi Commission’s recent report on secularism recommended
supplementing the legislation with, for example, the introduction of courses in French colonial history in schools, and the public recognition of diverse communities’ religious holidays (Scaramuzzi 2004). Affective citizenship goes further still. In order to support at-risk individuals’ discursive agency, this approach recognises the acute need to provide institutional support for feminist organisations such as Ni Putes Ni Soumises. This group campaigns to defend women’s moral right to go unveiled if they wish, without losing their status as ‘decent’ women.16

Affective citizenship combines the commitment to rectifying group-based disadvantages, as evinced by ‘post-liberal’ thinkers such as Young (2002), with the need for an ethos of responsiveness to newly emergent identities, derived from Foucauldian thinkers such as Connolly (1996). Ultimately, however, my approach goes beyond each of these models, by insisting on the critical, universal standard of the citizen’s discursive agency. The question currently facing postcolonial feminists is how to integrate concerns for the transformation of both inter- and intra-group relations, without the ‘disciplining and policing of minority communities’ or the ‘moral indifference of an overly legalistic liberalism’ (Benhabib 2004: 297). By situating the individual as the negotiator of multiple discourses, affective citizenship addresses both the marginalisation of minority values, on the one side, and the recently emerging, hybrid modes of female subjectivity, on the other. This approach does set limits to the differences that may be recognised in a liberal public sphere. However, it emphasises that these limits are provisional, and subject to intervention by culturally situated individuals themselves.

Conclusion

In response to the recent French legislation against the Muslim veil, I have argued that a postcolonial and feminist account of recognition should engage deeply with cultural difference, while still retaining a universalist potential for cultural criticism. By focusing on three different dimensions of a postcolonial perspective on liberal universalism, I presented ‘affective citizenship’ as a response to the dilemmas central to that critique. Derived from an account of diverse women’s needs for ‘structural’ and ‘discursive’ autonomy, affective citizenship seeks to redress unjust group relations through the public recognition of minority values. The approach draws the limit of cultural recognition at practices undertaken by individuals who are precluded from negotiating multiple languages of value. This account identifies the individual as the regenerator of cultural values. It thus explains the dynamics of identity in a transformative and critical account.

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Notes

3. See Narayan’s critique of the ‘well-intentioned’ view that Westerners must recognise that self-determination and autonomy are not the pre-eminent values for non-western cultures that they are in Western traditions. Narayan correctly argues that this is a very large generalization about ‘non-western cultures’ and also about the complex value of autonomy (1997:213n.39).
4. The legal prohibition of the hijab in France was preceded by a concern about the link between religious symbols and ‘acts of provocation, proselytising or propaganda’. See (http://www.unc.edu/depts/europe/confererence/Veil2000/Annexes.pdf).
5. I am grateful to Richard Bellamy for a clear formulation of this point.
6. See Gatens (1996), who uses the Spinozist term ‘affectivity’ (conatus), signifying ‘a body that strives to be’. Affectivity here is taken to be an active capacity, constituted through one’s social relationships.
7. While I find helpful Deveaux’s agenda for rethinking the commitments of multicultural political theory, the three shifts that she proposes remain firmly within the framework of deliberative liberalism. Affective citizenship is broader than her account, first in pluralising the discourses of public reason, and second, in defending a form of ‘rhizomatic’ citizen participation.
8. Although Rawls (1993) intends to address the ‘fact of pluralism’, the instrumental formulation of rationality and the individualistic conception of reasonableness implied in his account betray his assumption of a consensus which is increasingly problematic in a multicultural world. This consensus is strong in the sense of relying (covertly) upon comprehensive values. It is also clearly taken to be strong in extent, in the sense that all reasonable citizens are assumed to endorse the same foundational values.
9. Exercising discursive agency might lead one to reject a strongly self-directed life in the Millean sense. A woman’s choice to remain within a system of heteronomous customs need not be in tension with her basic interests. Indeed, her defence of those customs might express, in a complex form, her resistance to other discourses on freedom which she may experience as a coercive imposition.
10. My concern is specifically that Shachar’s ‘choice-options’ (2001), and the wider account of ‘transformative accommodation’ that she defends, may not be easily instituted without imposing at least some of the majority’s values on to the minority culture.
11. I do not suggest the existence of a singular feminist narrative explaining the occurrence of these different practices. Neither do I suggest that the extent to which they are practised is comparable. On the political dangers of sensationalising the rare occurrences of sati in contemporary India, see Narayan (1997).
12. ‘Minimalism’ as a legal doctrine states that the criminal law ‘should be used only as a last resort or for the most reprehensible types of wrongdoing’. Legislators thus have to balance the risk to the interests of individuals caused by legislative intervention against the social utility of imposing it (Jareborg 1995).
13. However, see Mookherjee (2003) on the ambiguities in the cross-cultural definition of harm.
14. The legal test for affective self-concept is limited to a small sub-set of very extreme cases, which is, however, not itself confined to practices involving cultural difference. For example, if a woman chooses to remain with a violent partner, this ‘choice’ may be rational but unfree, if her capacity to live independently is seriously constrained. Therefore, legal intervention may be justified. Such intervention may also be warranted where a woman’s reasoning capacities are undermined to the
The point of ‘cognitive dissonance’ (i.e., to an extent that her account of her situation bears no relation to her objective circumstances).

15. The Stasi Commission’s Report stated that a legal ban on the hijab could not alone solve the social problems that exacerbated violence against unveiled Muslim girls. It thus defended ‘stringent policies to address the social factors and religious discriminations’ that negatively affect immigrant children (Scaramuzzi 2004).

16. ‘Neither Whores Nor Submissives’ was formed partly in the wake of the immolation of a Muslim girl in a garbage receptacle in a Paris suburb in 1993. The alleged reason for her death was her refusal to wear the veil. See (http://www.niputesnisoumises.com/html).

References


