

Framing Cultural Difference: Immigrant Women and Discourses of Tradition

*O*n New Year's Day of 2008, seventeen-year-old Sarah and eighteen-year-old Amina Said were shot to death by their father, Yaser Said, an Egyptian-born Muslim taxi driver, in a suburb of Dallas, Texas. Just before the murders, the sisters and their mother had moved to Oklahoma to escape Said and his violence. He had been accused of sexual abuse by both girls when they were eight and nine years old in 1998 (charges were dismissed after the sisters recanted the accusations the following year) (Eiserer et al). Friends and relatives reported years of physical and emotional abuse perpetrated by Said against his children. Their maternal aunt reported that she had told one of the girls when they returned from Oklahoma to Dallas on New Year's Eve that they needed to get a restraining order (Whitley).

The motive of Yaser Said, who is still at large (and one of *America's Most Wanted*), in killing his daughters remains unclear. In interviews, Sarah and Amina Said's mother angrily rejected the idea that her husband's religion or culture had anything to do with the murders, as did their brother. The deaths of Sarah and Amina Said could be understood

through the rubric of family violence, as the product of violence against women, endemic in the United States, or as an act of individual pathology—explanations that would narrate their murder in a way that would not exaggerate the difference of Yaser Said from “us.” Nonetheless, former Dutch MP and current American Enterprise Institute fellow Ayaan Hirsi Ali took the opportunity in February 2008 to tell a crowd of five hundred in Dallas that the sisters were the victims of an “honor killing.” “I want to tell you why their father killed them,” she said. She asserted that the daughters were known to date non-Muslim men and dress in Western clothing and that, in her estimation, the perceived loss of honor motivated Yaser Said to take his children’s lives. “The essence of a woman in this culture is reduced to the value of their hymen. In countries ruled by Islam, women are treated as slaves or pets,” Hirsi Ali said (Cattanach).

Certain narratives have traction because of already existing scripts about gender, culture, immigration, and Islam. Across the blogosphere, the “honor killing in Texas” has been used to buttress claims that Islam is evil and that the worst fate imaginable is to be born female into a Muslim family.¹ According to these commentators, Muslims engage in honor killings, illustrating their barbaric essential nature; in contrast, “we” do not. Thus how individual cases are categorized both reflects and further fuels already existing perceptions about “illiberal minorities” and “liberal us” (Volpp, “Blaming”). As geographer Allan Pred writes:

If one young Turk viciously stabs his sister outside a Stockholm discotheque, if one Lebanese beats his twenty-one-year-old former wife to death in Malmö, if a fifteen-year-old girl of Iraqi background is murdered in Umeå by her brother and cousin, it confirms that all Muslim men are guided by their female-oppressing scriptures of Islam, that they will not permit “their” women the freedoms of Swedish women, that they will mete out violent punishment if family “honor” is blemished by sisters, daughters, or wives who dress or behave in a sexually “provocative” manner. Always have done so and always will do so. Uniform and unchanging. It’s in Their culture—but not Ours. (75–76)

These already existing scripts feature in both academic and popular discourse about the cultural difference of immigrants. Academic discourse about the cultural practices of immigrants ponders how Western liberal democracies are to respond to, in particular, immigrants’

illiberal practices manifesting in gender subordination (Okin 9–11) or intolerance for sexual minorities. Popular discourse about the cultural practices of immigrants tends to demand that immigrants assimilate already. But the vision underlying both of these discourses presumes a host society of the West that is progressive, democratic, civilized, and feminist, in contrast to immigrants—in Europe and in the United States after 9/11, most especially Muslim immigrants—as backward, barbaric, primitive, and misogynist.

This depiction of immigrant culture produces many problems. Here my focus is on how such representations circumscribe how we understand the web of factors that underlie specific cases of gendered violence, framing the lives of immigrants as a battle between “tradition” and “modernity.”² I show, first, how stories of tradition and modernity caused certain facts to disappear in a case in which immigrant parents murdered their teenaged daughter. I then look at how one might speak in a more productive way about cultural difference and gender subordination in immigrant communities. If we recognize that anxiety about forms of gender subordination practiced in immigrant communities can function as a proxy for xenophobia, then, all the while maintaining a commitment to eradicating gender subordination, how should we talk about cultural difference? I examine this question in the context of how immigrant women working to combat domestic violence have chosen to deploy notions of culture, navigating outside the usual association between extreme gendered subordination and immigrant cultural difference. I do so by examining the work of both Asian American domestic violence advocacy groups and expert testimony given in a case of attempted parent-child suicide. I argue that violence against women must be understood within structures of power that are underemphasized or ignored in the simple story of tradition versus modernity.

Disorderly Differences

Let me first turn to the description of a case where a teenager was murdered by her immigrant parents.³ The description with which I am concerned was authored by legal scholar Austin Sarat and titled “The Micropolitics of Identity-Difference: Recognition and Accommodation in Everyday Life.” Sarat’s narration demonstrates how the linking of gender subordination and immigrant cultural difference controls which facts appear relevant and which disappear. What appear legible are facts that

support a discourse of tradition versus modernity; however, the illegible facts also prove foundational to our understanding of this particular case.

Sarat's article primarily examines two examples of the recognition and accommodation of what he calls "identity-difference" in the town of Amherst, Massachusetts. The first of these examples involved a controversy about racist stereotypes in the musical *West Side Story*, chosen by the local public high school for the annual spring show; the second was a controversy about an exhibition of photographs of gay and lesbian families called "Love Makes a Family," to be shown in the elementary schools. (The musical was canceled; the photo exhibit was mounted.) Sarat uses these examples to analyze how communities such as Amherst deal with the "everyday world" of identity-difference, a world he demarcates as far from what he calls "scenes of dramatic conflict."

To illustrate such a conflict, he begins the article by describing a sensational case, drawn from a *People* magazine story, called "Die, My Daughter, Die!" This is the story of Tina Isa, a sixteen-year-old who was murdered by her parents, "Palestinian émigrés," in 1989 (396). According to this rendition of events, after the family moved to the United States from the West Bank in 1985, Tina quickly began to "assimilate to the anything but traditional values of American adolescence," which included working at Wendy's and dating an African American classmate. This was said to violate "long-standing Arab understandings concerning appropriate behavior for young women" and bring "shame and dishonor on the family name" (396). While Tina's father sought to arrange a marriage for her, which would have required "that she be a virgin," Tina resisted. The night of her murder, her father "accused her of shaming the family by virtue of her allegedly promiscuous behavior," and he stabbed her to death while her mother held her down (397). Both parents were convicted of first-degree murder and sentenced to death.⁴

Sarat recognizes that one response to this story is to worry about the "us versus them dynamic that stories such as the *People* portrait of the Isas conjure up" (397). But how he tells this story, as well as his use of Tina Isa's case as nothing more than a springboard to discuss the cultural practices of the "everyday,"⁵ inevitably reinscribes this dynamic. According to Sarat, the Tina Isa case "provides a vivid image of the drama and dilemma of cultural difference in a nation of many peoples" (397). Tina Isa's murder stands in for what Sarat imagined as an extreme form of cultural difference, in contrast to the modest tale of battles in the Amherst public schools—the community of Amherst constituting the "everyday."

Sarat clearly wanted to draw a contrast between the cultural construction of the sensational and the construction of culture on a micropolitical level in more mundane sites.⁶ Nonetheless, by accepting the *People* magazine version of Tina Isa's case, he, too, reduces a life to a caricature.

Clearly, murder is vivid and dramatic.⁷ And although the idea of "cultural difference" was fomented by Zein and Maria Isa's attempt to raise cultural factors in their trial by mounting what is popularly known as a "cultural defense" with the assistance of an anthropologist, who testified that Tina had "offended her father's sense of honor" and that "[e]veryone growing up in the Middle East knows that being killed is a possible consequence of dishonoring the family" (397), Sarat's depiction of the Isas' acts suggests that the murder was produced by "Palestinian" or "Arab" culture. Why was Tina Isa's murder not considered the consequence of individual pathology? In the words of journalist S. T. Meravi, "It would be a mistake to believe that Zein Isa is a typical Palestinian. He just happens to harbor a variety of pathologies that many often ascribe to Palestinians, and as such he embodies some of our worst fears." But why do self-serving claims of individual criminal defendants from certain communities slide so easily into broader assumptions about group-based cultural difference?⁸ Surely, if the Isas were white, Tina Isa's murder would not have been condemned as the result of "white" culture; the Isas' acts would have been understood as individual and not the outcome of group-based determinism, and could not, therefore, represent "cultural difference." The conceptualization of Tina Isa's murder as produced by Palestinian or Arab culture reflects the selective blaming of culture.

The positioning of Tina Isa's story as a sensationalized point of departure within Sarat's larger narrative feeds into problematic renderings of certain lives as exotic and strange. (Some of us are dramatic, others of us are everyday.) As sociologist Aleksandra Ålund has argued, the chronic query is whether immigrant groups are adaptable to or unutterably foreign to "our" norms and values in a process whereby culture functions as the basis by which to differentiate and select among people (148). As told by Sarat, Tina Isa's life is a story of intergenerational conflict, tradition versus modernity, crimes of honor, cultural shame, and "long-standing Arab understandings." Accepting the discourse of tradition versus modernity as "explaining" this case renders other important facts about this case illegible.

From Sarat's narration, one would have no idea why *People* magazine knew precisely what Zein Isa had uttered as he stabbed his

daughter, namely, “Die, my daughter, die”—or why the parents were so easily convicted. The murder was captured on tape because the FBI had planted surveillance mechanisms in the family home in 1987 pursuant to a FISA order owing to the government’s suspicion that Zein Isa was a Palestinian terrorist who had been funneling money to the Abu Nidal organization (*United States v. Zein Isa* 1301). While on death row for his daughter’s murder, Zein Isa was indicted along with three other defendants on charges of a conspiracy to bomb the Israeli Embassy in Washington. In the indictment, prosecutors alleged that Tina Isa was murdered not because of a “fierce cultural clash” but because she was a “security risk” to a fledgling St. Louis cell of Abu Nidal (Worthington).

According to the FBI, Tina Isa was aware of her father’s association with Abu Nidal as well as the activities of two of the other defendants. Her parents, whose abuse she had reported to the State Department of Family Services, apparently believed she would no longer be under their jurisdiction when she turned seventeen, which is when she threatened to leave home. Thus, according to the FBI, Tina was murdered before she was able to expose the activities of the cell. Zein Isa’s fellow defendants were recorded on tape having conversations in which they discussed the need to kill Tina Isa because “she knows many things.” The murder, previously attributed by the state to parental anger over her American ways, was argued by prosecutors to be, in fact, motivated by another factor: fear that Tina Isa would disclose the cell’s secrets (Carley). One of the other defendants was heard on tape offering to kill Tina, and a second suggested she be taken to the West Bank, where she could be murdered without arousing suspicion (Jones and Bayer). What actually motivated Tina Isa’s murder eludes us, obscured by the charges of prosecutors eager for a terrorism conviction and the defense strategies of her parents, who sought to influence the outcome of their trial by raising the question of culture.⁹ But we need to ask why the circumstances of her case are only partly remembered. In this example of competing narratives, the “cultural” explanation prevails.

Tina Isa’s case thus leads us to rethink the production of various forms of cultural difference in complicated ways. We shift from an assumption that we “know” what happened—Palestinian/Arab parents killed their teenaged daughter because she was “too American”—to a position of greater uncertainty, which I would argue more accurately reflects the web of factors that shape incidents of gendered violence. The traction given to particular narratives of cultural difference makes it all too easy to tell simple stories. Tina Isa’s case has been explained through the battle

between tradition and modernity, between the Arab world and the West, a battle enacted on the terrain of gender subordination. But her case also raises questions about the relationships between cultural difference and the U.S. state, terrorism, surveillance, and immigrant communities—relationships only made more complicated after 9/11. What, for example, was the relationship between Zein Isa's political, as opposed to cultural, identity—or that of his fellow defendants—and their belief system about gender? And what of Maria Isa, Tina's mother? How do we understand her role in this story? It turns out that Maria Isa was not a Palestinian émigré but, in fact, a Brazilian Catholic, whose parents were German and Italian immigrants to Brazil.¹⁰ How does that fact shift our assumptions about identity, as chosen, ascribed, and experienced, and about the role of cultural difference in this story?

Zein Isa was actually a citizen, in the formal, legal sense, of the United States (Ostrow). But his support for Abu Nidal transformed him from citizen into terrorist, two categories that cannot be simultaneously occupied (Volpp, "Citizen"). And his identity as a Palestinian immigrant meant that he would not be considered a United States citizen as a matter of identity; rather, he stood in for the noncitizen other. The horrific murder of his daughter is understood as the conduct of repressive immigrant parents and the product of specific cultural practices. The noncitizen stands at the center of dramatic difference, in contrast to the citizen, whose microlevel conflicts we experience as the neutral everyday.

The simple story, which explains a murder solely as the result of traditional cultural values of extreme gender subordination, pushes us toward a simple "answer," namely, the binary debate that pits cultural relativism against universalism. Thus, because Sarat posits Tina Isa's murder as justified by a "familial honor code" that reflects a "deeply felt cultural or religious conviction" that seems "reprehensible to us," his analysis progresses no further than to say that the case leaves us with "the unresolved universalism versus relativism debates among philosophers and academics" (398). In contrast to this lack of resolution, Sarat suggests that the terrain of the "everyday" is a site where citizens can experience change, with recognition and accommodation of identity-difference. But this represents an abdication in three ways. One is the failure to recognize Tina Isa—and her parents—beyond their stock roles in acting out a well-rehearsed script. The second is to presume that the debate of universalism versus relativism is an acceptable recourse, with which I disagree, for its

reliance on the schematic of bounded, static, and monolithic cultures—with Tina Isa’s murder at the center of what would constitute such a culture—warring with a presumably cultureless liberal universalism. And the third, to which I return below, is to cede the site of gendered violence as one where “citizens can experience change.”

Grounded Realities

If we recognize that gender subordination is not merely a practice engaged in by immigrants importing disorderly difference, and we recognize that anxiety about forms of gender subordination practiced in immigrant communities can function as a proxy for xenophobia, then we should think differently about culture and identity. We can glean useful insights by examining how immigrant women working to combat domestic violence are actively considering how to deploy notions of culture. Rather than beginning an analysis in an abstract debate that reiterates broad and competing principles, a microanalytic focus on particular discussions in concrete locations can be a fruitful approach to these questions.

The following examples represent a methodology that directs greater attention to the factors that are masked in the typical discussion of culture, gender, tradition, and modernity. The typical discussion relies on the pitching of a battle between the abstract principles of gender equality and respect for cultural norms. This framing creates a vacuum, whereby every factor but a warring traditional culture and modern feminism is absented from any given situation. Into our analysis must be inserted an understanding of culture that encompasses political and material forces and a more complicated vision of feminism. This vision of feminism would recognize the subjectivity of immigrant women, including their roles as political actors engaged in feminist struggle, and would not presume that shedding culture is a precondition to emancipation.

One way to think about this methodological turn is to understand it as calling for a “thick description” (Geertz), a textured and detailed analysis that would present facts that are often illegible in narrating particular cases. This methodology has sometimes been referred to in legal scholarship as attending to “context” (Minow and Spelman 1632). In raising the idea of context, I am not suggesting that we conduct an analysis so finely grained or so specific that it paralyzes; nor am I advocating that we only examine individualized particularities outside societal structures

of power. Rather, I invoke context to encourage attention to structures of power that are underemphasized, or entirely ignored, in the simple stories that underlie the binary posed between tradition and modernity. Calling for a greater focus on context should not be understood as a step toward cultural relativism, for an emphasis on context does not undermine our capacity for moral or political judgment. In fact, we can never escape context. As legal scholar Martha Minow and philosopher Elizabeth Spelman point out, abstract and universal principles presuppose a particular context while hiding the existence of that context (1617–22). Thus I seek to direct attention to important factors that hover outside typical depictions of cases involving gender, immigrant culture, and identity. These are factors that are discursively illegible even while they have material effects.

To ask that we pay greater attention to context, and in particular, to power and material effects, resonates with the work of such scholars as sociologist Dicle Koğacioğlu and anthropologists Lila Abu-Lughod and Mayanthi Fernando, who have all recently argued that particular gendered discourses about Muslim women divert attention from where it should instead be placed: institutional politics (Koğacioğlu); history and politics (Abu-Lughod); and structural root causes of social and economic problems (Fernando). While the cases these scholars examine are varied (honor crimes in Turkey, U.S. discourse about women in Afghanistan, and “secular Muslim women” in France), all point to how gendered discourses about the oppression faced by Muslim women function transnationally to fuel a general vision of Islam as synonymous with the oppression of women, which absolutely ignores fundamental issues at work.

In a finely grained analysis of how honor crimes are depicted by various actors—the Turkish state, Islamic parties, the European Union, and the international media—Koğacioğlu writes that while these actors all see honor crimes as primarily caused by tradition, factors such as “one’s ethnic identity as a minority, one’s activism, and one’s position in relation to state structures and contestations” are integral to the perpetuation of honor crimes, which “stand at the intersection of multiple political and social dynamics” (119). When institutions, imagined as modern and standing outside or in opposition to tradition, portray honor crimes or other culturally shaped forms of gendered violence as caused by “tradition,” this “delimits the universe of meaning through which [they] can be understood and the institutional mechanisms that can be produced” and allows efforts to seriously address the root causes of the violence to fade away, in what Koğacioğlu calls the “tradition effect.”

In discussing the ethics of the “War on Terrorism” and its purported mission of liberating or saving Afghan women, Abu-Lughod notes that cultural explanations of human suffering in Afghanistan eclipsed any discussion of the history of the development of repressive regimes in the region and of the role of the United States in this history. “Instead of questions that might lead to the exploration of global interconnections, we were offered ones that worked to artificially divide the world into separate spheres—recreating an imaginative geography of West versus East, us versus Muslims, cultures in which First Ladies give speeches versus others where women shuffle around silently in burqas” (784). This prevented any serious exploration of the political and historical reasons for the situation in Afghanistan—for example, how Afghanistan had come under rule by the Taliban, how conservative American interests had funded the mujahideen to undermine the Soviets, and how the caves and bunkers where Osama bin Laden was presumably hiding had been paid for and built by the CIA (784).

Fernando examines the emergence of publicly secular Muslim women such as Fadela Amara, cofounder of *Ni Putes Ni Soumises* (Neither Whores nor Doormats), a group protesting the denigration of women in the *banlieues* (immigrant suburbs) in France. Fernando examines this emergence not as a question of individual intention but as a way to scrutinize the political, discursive, and ideological conditions undergirding the meteoric rise of secular Muslim women in the French public sphere. Amara and others like her ostensibly transcend their communal origins and their Muslim-immigrant difference and appear to perform the universalism of French republican citizenship (381, 385). At the same time, figures like Amara shift “political and public focus (and blame) from the structural root causes of the pressing social and economic problems in the *banlieues*” to Islamic “fundamentalism” and, consequently, “to symbolic panaceas like the headscarf ban” (380).

Let me now describe two sites in greater detail, one a think tank on culture and domestic violence convened by the Asian and Pacific Islander Institute on Domestic Violence in which I participated, and the other the cultural testimony presented by an expert in a case involving a Sikh immigrant woman accused of attempting to drown her two children. The first site illustrates the difficulty of thinking outside recursive patterns that characterize how we understand gender and cultural difference; the second offers an affirmative example that puts the methodology I am advocating into practice. Both offer an important lens through which

to examine that most vexed site of the present moment: gender and the politics of Muslim practices depicted as “traditional.”

Think Tank

At the think tank, which was convened by the Asian and Pacific Islander Institute on Domestic Violence in 2002, advocates for battered Asian and Pacific Islander women focused on how to think about culture and domestic violence given that domestic violence is more often conceptualized as cultural for nonwhite communities than white communities. In fact, some have argued that many feminists and battered women’s advocates appear to suspect that “other” cultures actually support domestic violence—without turning to ask whether this may also be the case in their own communities (Dasgupta 209, 217). The tendency to describe domestic violence as “cultural” when occurring in communities of color, rather than through the terms of “power and control” generally used to describe domestic violence, is linked to the uninterrogated assumption that devalued and less powerful groups are somehow more culturally determined.

In the face of this selective stereotyping, the appeal of universalist descriptions of domestic violence claiming that specific cultural formations have no impact—for “domestic violence is domestic violence”—is understandable. Two cases that surfaced in the think tank discussions illustrate this pressure. The first was the recollection by one advocate of how she responded to the query of a “mainstream” women’s shelter (meaning one not serving diverse populations) that inquired as to how to deal with the “cultural shame” of an Indian immigrant who had been sexually assaulted. This cultural shame, said the shelter staff member, prohibited the woman from using the shelter’s public shower. The response of the advocate was to tell the shelter worker that *any* woman who had been sexually assaulted would have issues around privacy and bodily integrity. The second was the recounting by another advocate of how she answered the question as to what, specifically, the issues were for battered lesbians. The advocate’s response was that a battered lesbian’s experience of domestic violence will reflect her class position, whether she is disabled, whether she is an immigrant, or whether she lives in a rural area, as would the experience of “any other woman” in those situations. She then reflected that perhaps the fear of being outed by the abusive partner, if the battered woman was not already out, was specific to lesbians—but then

reflected that *any* battered woman fears being outed as battered.¹¹ What is common to these two anecdotes is the shifting of attention away from a focus on how cultural identities shape domestic violence to examining how experiences are similar.

Yet a simple turn to universalist narratives is ultimately unsatisfactory, for it replicates the idea that women are adequately defined as women solely through their experience of gender subordination without puncturing the underlying assumption that immigrant and “third world” women stand at the extreme pole of that suffering (Volpp, “Feminism” 1199). Universalist narratives of gender subordination suggest that there is nothing oppressive about bonds between women, unlike bonds between men and women within racial or ethnic communities (1215–16). And the employment of a unitary female subject implies that there is nothing positive about racial or cultural bonds, a position suggesting that it might be better to let minority cultures wither and become extinct (Okin 22–23). As anthropologist Lisa Yoneyama warns, “[O]nce feminist emancipation is envisioned in such a single, linear trajectory, it creates a hierarchy among the more and less advanced women according to the unitary ladder of feminist progress”; the universal prescription for women’s liberation “can easily lead to the capitulation of certain feminist positions to practices that would extend U.S. [or more generic Western] dominance through the rhetoric of liberation, freedom, and democratic rights” (312).

But, then, how do we describe the specific social forces that shape women’s lives? We might consider the second advocate’s response, which, in addition to the universalist analogizing between being outed as a lesbian and being outed as a battered woman, invoked class, disability, immigrant status, and geographic location as relevant to any particular battered lesbian’s experience. Thus we can see here two separate moves: first, the turn to “normalize” the battered lesbian as belonging to the category of any battered woman, and second, the turn to particularize the battered lesbian’s experience along lines other than sexuality. The battered lesbian’s experience cannot be reduced to her sexuality; similarly, the entire life of a battered immigrant woman cannot be captured by the image of an oppressive immigrant culture. Identities and experiences do shape perspectives, but we must be attentive to how this transpires through a complex process that reflects an individual’s specific position.

Cultural practices are multiple and experienced differently by individuals within any particular community. Culture is not made up of unchanging rituals that cement the subordinate location of women in a

fixed and timeless system of social practices. Rather, we must remember that myriad forms of power—the geopolitical, the structural, the economic—shape cultural practices. The expert testimony described below provides an example of the kind of politicized and contextual description I am advocating.

The Virk Case

I first encountered the case of Narinder Virk when I received e-mail circulated by advocates for battered South Asian immigrant women indicating that a woman was being prosecuted on two counts of attempted murder for trying to drown her two children and herself in the Channel Islands Harbor in 2001. Virk received enormous community support, as evidenced by the turnout at her court hearings, as well as by fund-raising that met her entire \$500,000 bail (Sundaram; Wilson, “Supporters”). One of her defense attorneys, Christina Briles, was widely reported as planning to present cultural evidence to help explain her actions in what is popularly understood as a legal strategy called the “cultural defense.”¹² News articles help illustrate how this plan was being translated:

A single word stood out from the stack of books and paperwork Deputy Public Defender Christina Briles carried through the Ventura County courthouse recently—“India.” The word was in the title of a book at the top of the stack, revealing the central role that culture will play in the defense of Narinder Virk. Accused of trying to drown her two children, [she is being portrayed as a] victim—of an allegedly abusive husband and of her traditional role as a subservient Indian wife and mother [. . .]. She came from a culture in which the woman’s value rests solely on her domestic abilities [. . .]. Virk was driven to madness by a culture that measured her value [in this way]. (Shulman)

In India [. . .] mothers still test the gender of their fetuses and often abort them if they are female. And “dowry deaths” in which in-laws murder a new bride because the money and property she brings to a marriage are not sufficient, are still relatively common. (Piccalo)

We can see with these descriptions how various popular stereotypes of Indian culture were to be deployed on behalf of Narinder Virk—the kinds of stereotypes about culture that I have criticized above.

In 2002 I had conversations with three people involved with Virk's case. The first was with a professor who told me that she planned to testify for the prosecution because the defense's description of culture or religion was "all wrong," as parent-child suicide was not a part of Indian culture or the Sikh religion. (She ultimately did not testify for the prosecution.) The second conversation was with a probation officer who had been the first person to visit Narinder Virk after her arrest. Also South Asian, but from a different region of India, she was unable to communicate directly with Virk. She described a visit to Virk in prison with a translator. They asked Virk if she was eating, and she responded, "How can I eat? I always feed my children first." The probation officer told me that she held herself together during the conversation, but that when they left the prison, she and the translator fell into each others' arms, sobbing. "It's punishment enough," she told me, "that she cannot see her children." These two conversations, occurring within the space of twenty-four hours, presented entirely different perspectives: the professor's general depiction of a "culture" and the probation officer's specific description of a particular woman.

When I told the probation officer of my concern that replicating cultural stereotypes about India in Virk's case would contribute to a disturbing perception of Indian culture in general, she responded in a way I had not expected. She said, "But Virk is illiterate, you know. In any language, not just English—she can't read or write Punjabi. She is from a very poor background." I realized that for the probation officer, the specificity of Virk's experience was so apparent that Virk could not stand in for a generalized "Indian culture." For the probation officer, who was Indian herself, the universal category Indian as a cultural category was nonsensical.

The third conversation was with Inderpal Grewal, a feminist theorist who has written extensively about gender, colonialism, South Asian immigration to the United States, and culture. She called to ask for advice. She had been asked by a South Asian battered women's organization if she would testify for Virk's defense and was concerned precisely about whether doing so to help Virk would inevitably redound in problematic stereotypes. Grewal decided to testify, and we discussed how she could shift the focus from rituals and folkways to a more politicized

understanding of culture that would envision Virk's cultural context as imbricated with material and structural forces and include Virk's lack of access to services, and her extreme marginalization. Obviously, this was not a strategy without risk. As Sherene Razack has asked with regard to applicants for gender-based asylum to Canada, if we move beyond pity to a more political understanding of why a woman might flee persecution, would this make them "too obviously like us" to be accepted as deserving of asylum (88)? The concern was that if Grewal refused to use the typical currency of stereotype—the Indian woman, subjugated victim of Indian cultural practices—would Virk be more likely to be convicted or sentenced to prison?

While the prosecutor attempted to argue that Virk acted to take revenge on an adulterous husband, describing Virk as "a cunning, selfish and vengeful woman" (Wilson, "Sanity"), Virk's defense counsel, Cynthia Ellington, built up a picture of years of extreme physical and sexual abuse and abandonment by Virk's husband. Ellington called a number of sympathetic witnesses, such as one of the children's kindergarten teachers, who testified that she had thought Virk was so deprived of food that she was starving. Virk's husband had left for six months, leaving her with no money for food, so that Virk was scavenging in dumpsters to feed her children (Sundaram).

In her testimony, Grewal explained a number of culturally specific concepts that Ellington asked her to clarify to the jury.¹⁵ Grewal repeatedly insisted that practices were changing in India and gave politicized explanations of these cultural concepts that recognized both women's agency and the extreme pressures on Narinder Virk. For example, when asked to explain the dowry system by Ellington, Grewal pointed out that while illegal, dowry is common and is a means through which women deprived of rightful inheritance are able to get money from their parents. Dowry death, Grewal stated, was one form of violence against women specific to a system where there is dowry, and she told the jury that there is a struggle by women's groups to address these deaths, which are frequently disguised as suicide, and recognize them as homicides.

Grewal explained that Virk had not gone to the police for help because Virk's husband had been a policeman in the Punjab, and added that one's economic status dictates access to law in most parts of the world. Grewal described the movements of the late 1970s–1990s for the independence of the Punjab, which the central government tried to quell through suspending due process, implementing an antiterrorist act, and

encouraging police to engage in violence. These acts of the central government were documented by Amnesty International and Human Rights Watch reports on extrajudicial executions by police. Thus, Grewal said, one such as Virk would understand the police to wield inordinate power over the lives of people, and she would believe the police could imprison you at their whim.

When asked about the specific problems battered women from India face in the United States, Grewal clarified that the batterer can threaten to have the battered woman deported or take away her green card or other immigration papers. Grewal explained that Virk's monolingualism restricted her access to resources such as shelters that did not speak her language and, further, that Virk would not likely have been able to imagine a shelter, or the possibility of governmental child support, given that such resources are not available in India. Grewal's testimony persistently resisted the pressure to fall into simplistic notions of culture and stereotype, and instead repeatedly complicated and politicized the context of Virk's actions.

Virk was found guilty of attempted first-degree murder, but the testimony was successful at the penalty phase in that Virk was found temporarily insane and not sentenced to prison. The jury found that she was severely depressed and unable to tell right from wrong at the time she tried to drown her children and herself (Wilson, "Jury's"). In writing that the testimony was "successful," it must be pointed out that the only possible avenue for sparing Virk a prison sentence was under the rubric of insanity.¹⁴ After a hearing in September 2002, she was ordered to stay indefinitely at a state mental hospital, although her supporters believed Virk would eventually be released.¹⁵

The case of Narinder Virk and the think tank at the Asian and Pacific Islander Institute on Domestic Violence are useful in demonstrating both the difficulty of and possibilities for thinking about gender subordination and culture without falling into typical pathways. I specifically chose these examples because these particular actors are advocating simultaneous antiracist and antisexist practice. They seek a greater attention to context not in order to refuse moral or political judgment or to cede action against gendered violence but to draw our attention to important but often illegible factors.

If we continue to allow popular and academic discourse to equate gender subordination with a traditional culture, then cultural shifts

that we would mark as both “modern” and gender subordinating remain hidden (Ault and Sandberg 503–6; Marchand 179–85) and the existence of feminist movements within communities marked as “traditional” are denied (Shaheed 997). When culture and feminism are believed to be opponents in a zero-sum game, women will be presumed to be emancipated when they have abandoned their cultures. But what goes into shaping cultural practices is more than time-honored “tradition”; moreover, women’s experiences of subordination will be shaped by factors beyond community-specific cultural practices. We should understand immigrant women to possess a complex subjectivity that is not reducible to cultural victimization. In thinking about particular cases, we must look to concrete instances and particular contexts, and avoid describing immigrant lives in a language of cultural difference that divides the traditional immigrant from the modern citizen. Rather than position the immigrant as the disorderly and strange bearer of archaic traditions, we must recognize the role of racism, state policies, and material concerns in shaping immigrants’ experiences of culture. As critical theorist Judith Butler warns, the contemporary moment finds the “mobilization of sexual progressives against new [mostly Muslim] immigrants in the name of a spurious conception of freedom,” as well as the “deployment of gender and sexual minorities in the rationalization of recent and contemporary wars” (32). The refusal to engage in discourse as usual is essential to avoid these traps.

This essay is dedicated to the memory of Dicle Koğacıoğlu. Her brilliance in every realm will never be forgotten. Thank you to Elizabeth Weed for helpful comments and to Magdalena Guadalupe for her research assistance.

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Notes

- 1 These and other comments are in response to Malkin.
- 2 For a discussion of other problems produced by this discourse, see Volpp, “Feminism.”
- 3 I also discuss this case in Volpp, “Disappearing.”
- 4 On appeal, the death sentence of Tina’s mother, Maria Isa, was reversed, after the court determined that the jury had considered the conduct of Tina’s father, Zein Isa, when assessing her punishment (*State of Missouri v. Maria Isa* 903). She was then resentenced to life in prison. Zein Isa died of a heart attack in prison in 1997 (Bryant, “Maria”).

- 5 Sarat and Roger Berkowitz similarly begin another article with the same rendition of the story of Tina Isa (285). Here her story is used as the springboard for a discussion of what they call “disorderly differences,” which threaten society’s allegedly fragile harmony and stability in their reminder that difference is not just to be embraced as energizing but forces a reconsideration of how we conceptualize order and disorder. As in Sarat’s discussion of micropolitics, Tina Isa appears in Sarat and Berkowitz’s introduction but is then eclipsed by their other concerns.
- 6 When I contacted Sarat to share with him my concerns about how he described Tina Isa’s case, he clarified his presentation of the case as precisely a cultural representation, and he noted that he was interested in the *People* magazine portrait as such. His project, he wrote in an e-mail, was specifically to note the construction of the sensational as a point of departure for examining a world of cultural constructions operating (mostly) beyond the glare of the media spotlight. Let me state here that I admire Sarat’s examination of cultural constructions beyond the media spotlight and his micropolitical approach; I just wish he had followed this approach throughout his paper.
- 7 In fact, Sarat’s rendition does not capture the horror of Tina Isa’s murder. For that, one could look at the transcript of the tape, replicated in *State of Missouri v. Maria Isa* at 882–85. The dialogue among father, mother, and daughter before Tina is murdered is both grotesque and heartbreaking.
- 8 Attorneys’ cultural defense strategies in well-publicized but sporadic cases do not seem sufficient to explain the popular assumption that immigrant cultures originating in Asia, Latin America, Africa, and the Middle East are the primary threat to feminist progress. Several years ago, I was telephoned by the attorney representing Zein Isa on his death penalty habeas appeal who wanted to know what I meant in my article “(Mis)Identifying Culture” by factoring the idea of antisubordination into decisions as to whether to proffer cultural evidence. I explained to him that it was intended to preclude the precise types of arguments he sought to make on the appeal (that “Palestinian culture” mandated murdering Tina Isa).
- 9 The terrorism charges against Zein Isa were ultimately dropped (Bryant, “Charges”). The Department of Justice had decided that the crimes linked to Isa and the possibility of revealing classified information about terrorists did not justify the cost of a long trial, especially when his murder conviction was unlikely to be reversed on appeal. The three other defendants pled guilty to federal racketeering charges and received sentences of twenty-one months each (Fallstrom).
- 10 See Harris. Maria Isa’s lawyer, Charles Shaw, contended that his client was ostracized by her husband and older daughters, was a victim, and was “reduced from being a woman to being a beast of burden” (Bryant, “Maria”). See also Meravi: “after 30 years of marriage under her tyrant of a husband, Tina’s mother Maria has found happiness at last—in prison.” On the surveillance tapes, Maria Isa was speaking Portuguese; Tina Isa was apparently fluent in Portuguese, Spanish, Arabic, and English (*State of Missouri v. Maria Isa* 881).

- 11 While both processes can be described as “outing,” there can be important differences between being outed as a lesbian and being outed as a battered woman.
- 12 Virk was ultimately represented at trial not by Christina Briles but by Cynthia Wellington, who was supportive of the attempt to present a more nuanced vision of culture.
- 13 This description of Grewal’s expert testimony is entirely drawn from the notes I took while attending the trial.
- 14 For a criticism of how cultural evidence has fit into the model of temporary insanity, and for the suggestion of provocation doctrine as a better doctrinal alternative, see Sing. Sing notes that typically in cases where cultural evidence is presented, the defendant will be considered temporarily insane at the moment of the crime, while suggesting that she is motivated by culture both before and after that instant. While I would agree that we should not understand defendants to be motivated by culture before, mental illness during, and culture after the criminal act, I would caution against a prescription that would suggest that murder or attempted murder by an Asian immigrant be understood as purely cultural. Virk’s attempted murder of her children is better understood as a synthesis of cultural factors and mental illness.
- 15 As far as I am aware, she has yet to be released. On the sentencing, see Wilson, “Virk.”

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