

Preface

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In 1992, she was co-winner of the American Political Science Association's Victoria Schuck Award for Best Book on Women and Politics published in 1991 (awarded for *Engendering Democracy*). She was awarded an honorary Doctorate from the University of Aalborg in 1999; was appointed Adjunct Professor in the Political Science Programme of the Research School of Social Sciences, Australian National University, 2002-6; and was elected a Fellow of the British Academy in 2003. In 2008, she received a Special Recognition Award from the Political Studies Association, UK, for her contribution to Political Studies.

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Gender and Culture

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I want to start with the point made in the notice for this conference: 'The invocation of cultural diversity has often served as a pretext for ignoring or undermining claims of gender equality as they are enshrined in international human rights treaties.' This is something we are all sadly familiar with. We are told it is normal in this or that culture for girls to marry at fourteen or men to assume exclusive control of family finances or women to work only in the seclusion of the home, and that it is inappropriate to insist that everyone conforms to ideals of gender equality developed in other cultures. The UN Convention on the Elimination of all Forms of Discrimination Against Women seeks to address this by getting countries around the world to sign up to reasonably specific principles of gender equality. But CEDAW has the highest number of 'reservations' of any UN convention - countries signing up, but reserving their position on certain clauses - and though some reservations are technical, many are justified by reference to religious/cultural tradition. *Culture is employed here to limit the claims of gender equality.*

But there is another side to this that has become especially apparent to us within Europe in the last decades, which is that *gender equality is often employed to limit the claims of cultural diversity*. In Europe today, the patriarchal treatment of women in minority cultural groups is widely cited as a reason to abandon more inclusive models of multicultural citizenship. Multicultural policies are said to have shored up the authority of socially conservative cultural leaders and sacrificed the rights of women to the preservation of cultures. Exaggerated notions of cultural sensitivity are said to have paralysed teachers, social workers, even police officers, and encouraged public officials to turn a blind eye to abuses of women and girls. Mistaken notions of cultural respect are said to have silenced criticism of sexually inequalitarian practices.

There is an undoubted opportunism in this, an implausible blossoming of support for gender equality in societies that have found it difficult to deliver even on long established promises like equal pay. Feminist activists and theorists – particularly of those working within minority cultural communities - were among the first to sound the alarm on multiculturalism, noting that respect for cultures can easily become power for cultural spokesmen. Much of the feminist criticism, however, had still taken as its background assumption that feminism and multiculturalism were natural allies. Both, after all, speak for groups marginalised in existing hierarchies of power. Both challenge simplistic associations of equality with sameness, arguing that the pursuit of equality sometimes meant treating people differently rather than the same. Both expose

the complacencies of a formalistic liberalism that seems to consider the official equality of rights as much as anyone needs. Even Susan Moller Okin, the feminist most commonly cited as thinking multiculturalism bad for women, still saw the two projects as 'in some ways, related struggles', because both seek 'the recognition of difference in the context of norms that are universal in theory, but not in practice'.ⁱ For both women and members of cultural minorities, there has been a failure to deliver on the promise of universal human rights.

There has been a change since then. Okin's modest endorsement of at least some multicultural goals is out of step with current media and political opinion, and the problems feminists have identified with the workings of multiculturalism are now more commonly taken as demonstrating the complete incompatibility between the two. By the beginning of the twenty-first century, much of the discussion of cultural diversity, or the merits and otherwise of multiculturalism, has come to revolve around matters of sex and sexuality: girls and women wearing hijab; girls subjected to genital cutting; young people forced into unwanted marriages; young women murdered by family members for behaviour said to offend principles of community honour; the repudiation of homosexuality by leading Muslim clerics. Respect for cultural diversity is now commonly viewed as a mistaken form of cultural relativism. Multiculturalism is described as a misguided failure of nerve in liberal democracies that need more confidently to assert their own identities and values. Equality between the sexes is widely cited as one of the boundary marking values.

In this charged political context, sustained by wars on terror and fears of unstoppable migration, it has been particularly challenging to work through the theoretical and political issues associated with gender and culture. The elevation of gender equality to a defining value of the good society is, in principle, to be welcomed. But when the rights of women figure as a marker of modern liberal societies, part of what differentiates them from 'traditional', non-Western, illiberal ones, this constructs a stereotypical binary between Western and non-Western values, that represents people from developing countries, or from ethnocultural minorities within the more developed ones, as peculiarly resistant to gender equality. Instead of promoting a more defensible politics that addresses both the hierarchies of culture *and* the hierarchies of gender, the preoccupation with women's rights can end up justifying more restrictive immigration agendas and feeding stereotypes of minority groups. Real support for minority women may remain a low priority.

Feminists hoping to sustain the vision of two related, if often conflicting, projects have pursued a number of strategies to mitigate the starker oppositions. *One* approach is to identify key principles of gender equality that set the limits to cultural accommodation: certain non-negotiable rights or equalities that must be respected regardless of culture or country, and should be guiding principle for any pursuit of multicultural citizenship. This is most clearly represented in Susan Moller Okin's work; it is broadly the approach that underlies the work of the CEDAW committee, and it has, in my view, been too readily dismissed in some of

the contemporary feminist literature. A *second* approach divides things up according to different jurisdictions, identifying distinct spheres of influence within which different principles will hold sway. This is most fully developed in Ayelet Shachar's work. Drawing mainly on material from Israel and India, Shachar argues for systems of 'joint governance' in which states delegate certain regulatory powers to minority groups, but secure at the same time a diversity of alternative jurisdictions. She argues that this forces groups and states alike to compete for the loyalty (one might almost say, custom) of women by offering increasingly favourable gender equality terms.ⁱⁱ

A *third* approach appeals to democracy and democratic deliberation, with a view to enhancing understanding between cultural groups, identifying areas of common ground, and moving to mutually acceptable accommodations. The specifically feminist aspect is the insistence that such deliberations must involve women equally with men, young alongside old, cultural dissenters as well as cultural conservatives, so as to avoid the 'communities talking to communities' syndrome that tends to empower established – mainly older, usually male – leaders.ⁱⁱⁱ A *fourth* approach – this is closer to my own – takes issue with the very notion of 'culture', challenging the claims that are made in its name, and the reifications that understate the diversity and contestation *within* cultural groups. The argument here is that those promoting cultural accommodation – including supporters of multiculturalism and the spokesmen of cultural groups – have exaggerated the differences between cultures, understated the multiplicity of

voices within each group, and manufactured deep value dissonance between cultures where none such exists.

One implication – and here it is very close to what I have described as the first position - is that we should be very wary of claims made in the name of ‘culture’, very wary of initiatives that would give power and authority to cultural groups, and should give our support to the rights of individuals rather than the rights of groups. It differs, however, in also encouraging us to question the presumption that cultural practices *are* so different in different parts of the world, and in shifting us away from a more ‘protectionist’ politics that seeks to protect vulnerable women from what are perceived as powerful oppressive cultures. If we take the rights of the individual seriously, this also means taking seriously what individuals say about their own situation, and not rushing prematurely into protectionist mode. ^{iv} Elements of all four approaches are important, but this last has been particularly important in my own arguments.

Debate about the tensions between gender equality and cultural diversity has been marred, in my view, by misleading stereotypes of culture that take too much at face value what the most conservative spokespeople for cultures claim as their heritage or traditions. The exaggerated language of cultural difference not only serves the claims of those conservative spokespeople (mostly men). It also lends itself to ethnic reductionism, cultural stereotyping, and a hierarchy of ‘traditional’ and ‘modern’. Cultures are misdescribed as organised around static defining values; misrepresented as more distinct from one another than they really

are; and wrongly conceptualised as ‘things’ that determine the actions and attitudes of their members. In this process, the really important issues are often sidelined: it certainly strikes me, in the UK context, that when violence against minority women becomes a preoccupation in political discourse, this tends to produce merely symbolic actions, like legislation specifically criminalizing female genital mutilation and forced marriage, accompanied by a dearth of serious funding for agencies working on the ground to tackle such problems.^v

I have no problem with the idea that each of us is shaped by the norms and conventions of our cultures – though I deliberately use the plural here, because most of us participate in a number of cultural arenas, including the smaller sub-cultures associated with our neighbourhoods or places of work. I strongly agree that our ways of ways of acting and thinking often have a cultural specificity of which we are unaware. But this is not to be confused with saying that the things we do or think are practices or traditions of ‘our culture’, as if, to adopt an evocative phrase from Lila Abu-Lughod, we were simply ‘robots programmed with “cultural” rules’. The full quote – this is one of my current favourites – goes like this: ‘The particulars suggest that others live as we perceive ourselves living, not as robots programmed with “cultural” rules, but as people going through life agonizing over decisions, making mistakes, trying to make themselves look good, enduring tragedies and personal losses, enjoying others, and finding moments of happiness.’^{vi}

I have come to be deeply sceptical of the uses of the terms 'cultural practice' and 'cultural tradition', and the tendency to apply these exclusively to people from minority or non-Western cultural groups. Those associated with majority or politically dominant groups are rarely thought of as having cultural practices and traditions. They might, at most, be *influenced* by their social location, or *affected* by their society's traditions, but society is, by implication, more open and flexible than culture, and 'social' influences are rarely thought to undermine the capacity for independent action or thought. As currently deployed, the language of cultural practice and tradition often contains within it a hierarchy of cultures. It also tends towards cultural determinism, for describing something as a cultural practice misrepresents what is frequently a contested activity as if it were slavishly followed by all those associated with particular cultural groups. I find myself particularly irritated when forced marriage, which is regarded with horror by most parents from the communities that supposedly practice it, is described as a 'cultural practice'.

I want, therefore, to argue the importance of recognising cultural specificity and context, but *against* the reification of culture as catch-all explanation of what individuals from minority or non-Western groups do; and I draw here on established feminist arguments about *recognising women as agents not victims*, applying these to issues of cultural diversity. We should certainly resist the corporatist claims sometimes made in the name of multiculturalism or culture. We should reject the notion that respect for 'culture' requires respecting practices that

are *not* chosen by members of the cultural groups; and we should oppose policies that cede authority to the self proclaimed leaders of cultural groups. But we should, at the same time, recognise and respect the validity of the diverse choices individuals make about their lives. We may, as a consequence, have to reject some social policies that seek to protect women *for their own good*.

There are many issues that arise here. I want to focus on what seems to me the most important and potentially troubling, which is that an emphasis on agency may lead us to understate the cultural and other pressures operating on women, and thereby understate the need for policies that protect women from cultural oppression. I have argued that we need to recognise women as agents not captives of culture. The guiding principles I would derive from this include respect for the diverse choices people make about their lives; not assuming that those who choose things differently from yourself are victims of false consciousness; not patronising what you do not understand; and not leaping prematurely into protective mode. I would make a distinction, therefore, between the policies appropriate for children, who *do* need protection; and those appropriate for adults, who will often need considerably more than they currently get in the form of material and practical support, but should normally be assumed to know their own minds. (I am conscious of a gap in my argument as regards when a child becomes an adult – this is not an easy matter to determine.) But there is a danger that *an emphasis on agency leads to complacency*, and that in the determination not to represent women as victims, we understate

the cultural and other pressures operating on them, and the sometimes urgent need for (even paternalistic) protection.

It is, in my view, one of the dilemmas of feminism that its social analysis leads it towards a version of adaptive preferences, whilst its political analysis commits it to a belief in women's agency. It has become a guiding principle, especially in contemporary feminism, that we should reject the god's eye view that discerns a false consciousness in those who accommodate themselves to what others perceive as indefensible. We should recognise that what looks to an outsider like submission is sometimes better understood as empowerment. We should acknowledge that everyone has agency, even though some clearly have more options than others. We should, in other words, recognise the agency of women even under conditions of severe oppression and exploitation, and not ignore the choices they make as if these were no more than reflections of their limited room for manoeuvre.

Yet gender relations involve constraints: this, after all, is why feminism came into existence. There is ample evidence, moreover, that people tend to adapt themselves to constrained and unsatisfactory circumstances, and that there is a strongly gendered component to this. Amartya Sen's telling illustration draws on the Commission of Enquiry into the Great Bengal Famine of 1943, when 45.6% of widowers described their health as either ill or indifferent, but only 2.5% of widows described themselves as suffering ill health, and none described their health as indifferent.^{vii} Given the strong probability that widows would have

enjoyed a lesser share of social resources than widowers, this suggests a high level of adaptation among the women to what they perceived as a norm. Add to this what most of us will recognise from personal experience, the phenomenon of coming to consider unacceptable something you had previously regarded as quite standard. Our judgements on whether something is good, bad or indifferent are framed by what we believe open to transformation and what we consider a fact of life. And if people do adapt their preferences to what they conceive as possible, then those with the least opportunities and facing the most constraints may sometimes be the ones to describe themselves as the most satisfied.

Recognising agency in others as well as in yourself is an essential component in feminist politics, but *extravagant* claims about agency can generate complacency. They could, for example, lead one to claim something as consensual so long as those involved do not persist in their opposition or try actively to escape. This could lead, to give one illustration, to an overly narrow definition of forced marriage as only those marriages conducted under direct threat to life, which would mean ignoring the emotional blackmail and manipulation that can also be part of what coerces people into unwanted marriages. This has been an issue in the UK. When people initially applied to the courts for the annulment of a marriage they said they had entered into under duress, the first legal judgments – dating from the 1970s – were very rigid. The courts only recognised marriages as forced marriages if there was evidence that the young people ‘agreed’ to the marriage under fear of physical violence or loss of their liberty. Later judgments

have been more willing to recognise the effects of sustained family pressure, including threats that you will never see your family again or being told that your resistance was what caused the death of your father, as evidence of coercion. If you insist too much on agency, on seeing people as capable of making up their own minds, you may do a disservice to young people facing almost unbearable pressures to conform to parental expectations.

Extravagant claims about agency can also mean dismissing too readily policies designed to protect the vulnerable. This has come up most directly for me in relation to a policy of protecting young people from coercion into marriage by preventing them from getting married at all. (I exaggerate slightly!) A number of countries, including the UK, have raised the minimum age at which people can sponsor the entry of a spouse from outside the European Union, and raised the minimum age of these spouses, with a view to making it harder for parents to coerce young people into marriages with overseas partners. The target is marriages involving spouses from countries like Morocco or Bangladesh or Pakistan, and the rationale is that people will be better able to withstand family pressures when they are older.

I am critical of these policies. I see them as discriminatory, for they mean you can marry and live with a partner from the EU from the age of sixteen or eighteen (depending on national legislation), but not, for several more years, with a partner who comes from outside. I also see them as infantilising young people from minority cultural groups, representing them as more in need of protection

and less capable of agency than young people from majority cultural groups. There is, moreover, evidence that raising the minimum entry age does not stop families forcing early marriage, but means the young people may remain overseas, with their unwanted spouses, and away from their schools, colleges, or usual support networks, until they reach the age for return; the policies can therefore be seriously counter-productive, generating even worse harm.

But it is true, of course, that people do mostly become more able to resist parental and family pressure as they get older; and it *is* statistically the case that marriages involving partners from countries outside Europe throw up more known cases of forced marriage than those involving partners from inside. What if this policy, with all its potentially racist overtones, does actually save people from forced marriage? I remain convinced that raising the minimum entry age for partners to twenty-one (as is now the case for the UK) or twenty-four (as is the case for Denmark) is an indefensible form of discrimination, but I have become less sure about my opposition to an earlier UK regulation that raised it to eighteen. Extravagant claims about agency *can* generate complacency, and this is a balance that needs repeated calibration.

I have focused in my comments on issues that arise within contemporary Europe, tensions between gender equality and cultural diversity that arise in the context of multicultural societies formed by relatively recent migration, rather than the more usual issues we discuss in thinking about CEDAW, the relationship between international conventions and different national contexts. This is

obviously only one small part of the overall issues we should be addressing today. But it brings home, I think, the double ways in which culture is employed to limit the claims of gender equality and gender equality employed to limit the claims of cultural diversity, and the importance of thinking through these issues with both those aspects in mind.

ⁱ Susan Moller Okin and Respondents (1999) *Is Multiculturalism Bad For Women?* Princeton University Press: 131

ⁱⁱ Ayelet Shachar, *Multicultural Jurisdiction* Cambridge University Press. See also Shachar (2007) "Feminism and Multiculturalism: Mapping the Terrain" , in Anthony Simon Laden and David Owen (eds) *Multiculturalism and Political Theory* Cambridge University Press: 115-147.

ⁱⁱⁱ Seyla Benhabib (2002) *The Claims of Culture: Equality and Diversity in the Global Era*. Princeton and Oxford: Princeton University Press; Monique Deveaux (2000) *Cultural Pluralism and Dilemmas of Justice* Ithaca and London: Cornell University Press; Sarah Song (2007) *Justice, Gender, and the Politics of Multiculturalism*, Cambridge, Cambridge University Press.

^{iv} Anne Phillips *Multiculturalism without Culture* Princeton University Press, 2007; Uma Narayan *Dislocating Cultures; Identities, Traditions, and Third World Feminism* London and New York: Routledge, 1997; 'Essence of Culture and a Sense of History: A Feminist Critique of Cultural Essentialism' *Hypatia* 13/2, 1998: 86-106; Leti Volpp (1996) "Talking 'Culture'; Gender, Race, Nation and the Politics of Multiculturalism." *Columbia Law Review* 96 no 6: 1573-1617.

^v For the UK, see Moira Dustin and Anne Phillips 'Whose Agenda Is It? Abuses of Women and Abuses of 'Culture' in Britain' *Ethnicities*/3, 2008: 405-424; and Amrit Wilson 'The Forced Marriage Debate and the British State' *Race and Class*, 49/1, 2007: 25-38

^{vi} Lila Abu-Lughod, "Writing Against Culture" in Richard G Fox (ed) *Recapturing Anthropology: Working in the Present* (Sante Fe, New Mexico: School of American Research Press, 1991)158.

^{vii} Amartya Sen (1985) *Commodities and Capabilities*