

11 GLOBAL GENDER JUSTICE

INTRODUCTION

To add an additional chapter on women in a book of this type is controversial, particularly for those with concerns about gender discrimination. The danger in having a chapter on gender issues is that women's issues might be seen as separate from most issues in global ethics, when clearly this is not the case. All the issues we have addressed in the course of this book affect women at least as much as they do men. Yet the lower status of women relative to men means that, however much men suffer from the injustices of, for example, poverty or climate change, women suffer more. In Chapter 10, for instance, we considered the ways in which environmental injustice compounds other forms of injustice to make those "at the bottom of the heap" likely to be more disadvantaged because these injustices exacerbate each other. Those at the bottom of all heaps will be women. Clearly, rich Western women are rarely in this particular category, but the poorest of the poor are always women and children. Accordingly, despite the dangers of what we can call "exceptionalism" about women, it is important to have a chapter on women to highlight their plight and the particular difficulties women face in addition to sharing with men all the global injustices we have already considered. Moreover, any worries about exceptionalism should be lessened by the discussion of gender issues throughout the volume. For instance, the case studies of Chapter 3 on FGC were concerned with gender justice, as was much of the case study of Chapter 4 on the sale of body parts where the plight of egg vendors was raised, an issue that was returned to in the discussion of reproductive rights in Chapter 9.

Women as a group – despite the difference in different women's situations in different contexts – share some concerns about justice. While there may be different forms of gender discrimination in different places it is a fact recognizable in the experience of all women. In Catharine MacKinnon's (2006) words, "Gender

inequality is a global system”: “nowhere is sexuality not central to keeping women down”. In addition, a chapter on gender justice forcibly demonstrates the connectedness of issues in global ethics and the similarities as well as the dissimilarities of the lives of real individuals. Finally, a feminist approach reminds us that the issues of global ethics are not abstract problems that need theoretical solutions, but are about the experiences of suffering, hardship and injustice that real people suffer and see their families and communities suffer.

FEMINIST APPROACHES TO GENDER JUSTICE

This chapter will not only look at women’s issues, but also use arguments that come from feminist theory and activism. Before doing this, a few words about feminists and feminism are necessary. First, there is not one feminist position: indeed, feminist positions vary dramatically and often the hardest fought battles are fought within feminism. Tracking types of feminism is notoriously difficult and complex; schools of feminist thought range from “Marxist” through “radical”, “radical libertarian”, “cultural”, “radical cultural” and “liberal”, to “neoliberal”. Moreover, it is hard to map exactly who fits into which group, which makes using labels to categorize feminists extremely problematic. These labels are really useful only for mapping broad trends. But, despite the fights between strands of feminism, what all these positions have in common is that they believe there are women’s issues that need to be addressed; all wish to improve the situation of women. Second, because thinkers address women’s issues, sometimes using distinctively feminist theory, this does not mean that they are not working in the mainstream of global ethics, nor that their arguments are not just as appropriate in any of the previous chapters of the book. This should go without saying, not least because you have already met a number of feminist theorists and their arguments in earlier parts of the book. However, it is important to note that a standard way to dismiss the criticisms of global injustice that we shall meet is to assert that feminist arguments are not part of mainstream ethical argument. This is false: they are very much a part of global-ethics responses, and, as you will see, not only offer insightful critiques of some mainstream positions, but also point the way to resolve certain key problems of global ethics.

GENDER DISCRIMINATION

It has become fashionable to state that there is now little need to attempt to empower women because the “women’s liberation” battle has been won. There have indeed

been some huge advances in the status of women, in practice in some places and in theory everywhere. However, this is not to say that equality has been achieved. A brief look at some of the facts of the matter demonstrates the extent of current disparities. Despite the fact that there are exceptionally powerful individual women – Condoleezza Rice, Margaret Thatcher and Hillary Clinton are often cited as examples – feminists would argue that gender discrimination and oppression are still evident in all cultures, although they may be manifested differently, and certain women may be able to escape some of the worst features (particularly white, wealthy and educated women). But despite the fact that there are some very powerful individual women, international politics, international corporations and the institutions and associations of global governance are overwhelmingly dominated by men; there has yet to be a female Secretary General of the UN, for example. Moreover, dictators, warlords and juntas are almost all male (although there are also violent women and female soldiers, and if we think back to the case study on torture, this accounts for part of the public interest that surrounded the role of Private Lynndie England in the torture at Abu Ghraib). Women, then, are less powerful than men even if one uses the crudest measures of “who has power”, and this is still universally the case even though there are areas in the world where this is changing in some arenas – for instance in the political sphere, particularly in the Scandinavian countries.

When considering data on gender inequality, the starkest figures are always those relating to global inequality and the disparities between north and south (which we discussed in Chapter 7). According to the 2009 Human Development Report (UNDP 2009) the inequities in various measures of gender in development are enormous. For instance, in some of the richest countries in the world the average annual incomes for women in 2007 were in excess of US\$25,000, and as high as US\$50,000 in some instances (the figures for the UK and the US were US\$28,241 and US\$34,996 respectively). In comparison, many countries, including almost all of Sub-Saharan Africa, experienced annual female incomes of less than US\$1,000 per year, and sometimes substantially less.

However, the overall figures do not tell the full story about the gender disparities that occur within *all* countries without exception. In *no* country do women on average earn the same as men. These disparities can be seen in the section of the Human Development Reports that use the Gender Empowerment Measure, which explicitly shows gender inequality. While for the most part this follows the level of development, with high development correlating with a high gender-empowerment measure, there are a number of anomalies. For instance, Japan is in the group of very high human development, but has a gender empowerment measure of 0.567, which is lower than Uganda, which has a measure of 0.591. As for Europe, Cyprus is also in the group of very high human development, but only 15 per cent of female professional and technical workers are women, which is lower than in Ethiopia, where it is 30 per cent. Singapore is also in the very-high-human-development category,

but it has *no* women in ministerial positions, compared to *all* the countries in the low-human-development category (UNDP 2009). Thus it is not the case that gender disparities disappear with development or that progress towards inequality is inevitable. In fact, gender disparities are evident globally and in all places.

The precise calculation of such figures is understandably fraught with the usual difficulties of statistical collation and analysis, but the overall trends are nevertheless obvious. This is true whatever index we look at. If we consider adult literacy rates, for instance, Mali has a female literacy rate of 18.2 per cent and male rate of 34.9 per cent; Niger has a female rate of 15.1 per cent and male rate of 42.9 per cent; the Democratic Republic of the Congo has a female rate of 54.1 per cent and male rate of 80.9 per cent; and Afghanistan has the lowest recorded adult female literacy rate of 12.6 per cent, while the male rate is 43.1 per cent.

In order to make better comparative sense of these figures, the UNDP, as part of its calculation of its Human Development Report, has constructed a Gender-related Development Index. This reasonably complex statistical measure seeks to highlight the national inequalities between men and women using a series of indices relating life expectancy, health, education and standard of living. According to the 2009 report, again using statistics derived from 2007, Australia topped the Gender-related Development Index scale, followed, in order, by Norway, Iceland, Canada, Sweden, France, the Netherlands and Finland. At the very bottom of the scale was Niger, although it ranked very close to other African states such as the Democratic Republic of the Congo, the Central African Republic, Mali, Sierra Leone and, again anomalously (in the sense of not being a Sub-Saharan state) Afghanistan. These inequalities between men and women are not just evident in statistics, but just as starkly in terms of norms and practices with regard to standard ways women are treated globally, such as the seemingly universal attempts to control women's bodies.

CONTROLLING WOMEN'S BODIES

In Chapter 10 we considered environmental ethics and concerns about population control. A key issue discussed was what level of force or coercion is permissible in addressing issues that are so pressing – and so necessary to humanity's survival – such as addressing global climate change. If force or coercion is justified in population control, then clearly these policies will directly affect women and women's freedom. In Chapter 9, on bioethics, we briefly touched on reproductive rights and claims that the ability to choose how and when to reproduce is a fundamental human right for women. If rights to reproduce are partly connected to bodily integrity then population control measures will not fall equally on men and women. While certain of men's rights will be curtailed – for instance the right to form a family (if this is

interpreted as extending to the right to choose the size of your family) – population control does not usually affect men’s rights of bodily integrity. It is, of course, *possible* that population control *could* impact on men’s bodily integrity, for instance if male sterilization were forced on people; but this is actually far less common (it is estimated that less than 5 per cent of the sterilizations that took place in the European eugenics programme at the beginning of the twentieth century were on men). Again, it seems that policies in different areas of global ethics fall more heavily on women than on men and there are long histories across the globe of attempts to control women’s reproductive behaviour. Given the extent of these measures it is hard not to see these as part of the domination of women, either within communities or as a way of dominating the community as a whole by dominating the women within it. For extreme examples of this second form, where women are dominated in an attempt to dominate the community as a whole, think of rape as a tactic of war (something we shall consider in a moment). In the words of Alison Jaggar (2005), “because women are typically seen as the symbols or bearers of culture, conflicts among cultural groups are often fought on the terrain of women’s bodies, sometimes literally in the form of systematic rape”.

Controlling reproduction

One way in which women’s bodies have been controlled is in terms of controlling sexual relationships and reproduction. This is done at micro and macro levels. At a micro level, this can be done within the family; a particularly brutal example is the historical use of chastity belts. A common way to control female sexuality is FGC, which, as we saw in Chapters 2 and 3, is a widespread procedure globally. Other ways in which sexual relationships and reproduction are controlled include ensuring there is no possibility of sexual relationship, for instance, by chaperoning women, or by forbidding women to leave the house or rooms in a house. None of these controlling measures are applied to boys and men. In addition, if sexual relationships do occur, blame usually falls disproportionately on the woman rather than the man. This is true in all cultures.

Macro-level controls on women’s sexual freedom and reproduction include laws prohibiting contraception and abortion, laws that deny women divorce and laws that limit the free movement of women. Population-control measures are clear examples of such control. For instance, China’s one-child policy has, at times, included forced sterilization to enforce it. Population-control policies include education, providing contraception, abortion and sterilization. However, many have pointed out that there are global double standards in population-control measures. In the developing world the emphasis is on encouraging women to have fewer children, something that is often not in their best interest if they live in a society where women’s status

is determined by motherhood or where children provide the only source of security and support in old age. Conversely, in the developed world there is concern about falling reproductive rates and about how to support a large elderly population. Moreover, when population-control measures are enforced it tends to be female children who are abandoned or female fetuses aborted. Sen's paper "More than 100 Million Women are Missing" (1990) highlights this ghoulis aspect of gender discrimination.

One aspect of population control that has been receiving increasing attention is forced or coerced sterilization. Forced sterilization has a long history of use in Europe and the US. In the early twentieth century it was widely practised as part of public-health measures to improve population health. Women from a variety of groups were forcibly sterilized in order to ensure that they did not pass on their "deviancy" to the next generation; they included those suffering from mental disabilities, the "feeble minded", the "sexually deviant" (which could be interpreted to include promiscuity, lesbianism and adultery) and those from undesirable ethnic groups, particularly "gypsies" (a general term to include many Roma ethnic groups, usually from central and eastern Europe). Forced sterilization continues in many parts of the world today, as does "induced consent", in which women are encouraged to undergo sterilization and even given payment or other forms of inducement as part of population-control measures.

The continuation of forced, or at least coerced, sterilization of Roma in Europe was brought to light in a now famous report: *Body and Soul: Forced Sterilization and Other Assaults on Roma Reproductive Freedom* (Center for Reproductive Rights & Poradňa 2003). This report described continuing practices of forced sterilization in Slovakia, although the practice is not limited to Slovakia and has since been documented in many other countries. The report documents sterilization as a common experience of Roma women. Women in labour in hospital, on the point of being given a Caesarean section, are told to sign a consent form. This form gives consent not only to a Caesarean section, but also to tubal ligation. In April 2010, Amnesty International reported that, according to Chinese media reports, "officials in Puning City, Guangdong Province aim to sterilize 9,559 people, some against their will, by 26 April" in order to comply with the family-planning targets on which the one-child law is also based. Since 2002, forced sterilization has been regarded as a crime against humanity, along with other forms of sexual and reproductive violence against women that we shall now consider.

Rape as a crime against humanity

Rape has always been used as a tactic to dominate women in times of both peace and conflict. It is a cliché to say that rape is about power rather than sex, but one

that is clearly as true in conflict situations as in other situations. The rape of men is overtly used (in gangs, prison and armies) to punish, humiliate and dominate, and the situation with women is similar. Yet, although rape has been a recognizable tactic of war for generations – think of the Viking fourfold tactic of killing, raping, pillaging and enslaving – only in the past few decades has this issue begun to be given the attention it deserves. For instance, the Nuremberg trials did not prosecute the crime of rape, even in cases that were commonly attested to.

This has begun to change in the past few decades, and rape has now become a war crime and a crime against humanity, in response to the recent conflicts in Rwanda and former Yugoslavia. Estimates suggest that around 500,000 women were raped in Rwanda and up to 50,000 in Bosnia and Herzegovina. The *Akayesu* judgment defined rape as a crime of genocide in the UN International Criminal Tribunal for Rwanda. The Court judged that “sexual assault formed an integral part of the process of destroying the Tutsi ethnic group and that the rape was systematic and had been perpetrated against Tutsi women only, manifesting the specific intent required for those acts to constitute genocide” (UN General Assembly Security Council 1999). The International Criminal Tribunal for the former Yugoslavia deemed that Muslim women of Bosnia and Herzegovina had been subjected to rape as part of ethnic cleansing and that this constituted a crime against humanity. This was then enshrined in the International Criminal Court in the Rome statute, which includes rape, sexual slavery, enforced prostitution, forced pregnancy and enforced sterilization as crimes against humanity. Currently rape is being used as a weapon in the Democratic Republic of the Congo, where in 2009 there were over 7000 instances of rape registered; the true figures are believed to be much greater (Human Rights Watch 2009).

MALE FRAMEWORKS AND THEORIES

In addition to bearing the brunt of global injustices, both in terms of poverty and climate change, as well as from the human-inflicted injustices of rape and violence in times both of peace and conflict, women are also neglected in the theories and mechanisms we use to address injustice.

Feminist theorists (and indeed other theorists, such as the virtue ethicists we discussed in Chapter 3) have criticized the dominant liberal model for missing out much of what actually constitutes the experience of the moral life. We have seen some of these arguments in Chapters 9 and 10. For instance, in Chapter 9, when we discussed kidney sale, we explored criticisms of a narrow conception of individual choice. Likewise in Chapter 10 we saw that the individual-rights model leaves out ethical duties to future generations and to non-humans; again, this neglects key

ethical issues. Narrow ethical models that can identify only some ethical concerns fail in what they leave out. These are core feminist claims. Feminists argue that social, relational and contextual issues must be considered if we are to ensure ethical practice. For instance, some feminists advocate “relational autonomy”, which insists that context and relation are essential to any adequate understanding of autonomy. Thus the “autonomy as individual choice” model – which, as we saw in Chapter 9, is key in bioethics – does not respect autonomy considered in this relational sense. On the relational view, for a choice to be autonomous it must take account of the pressures and commitments of real individuals, rather than unrealistically presenting individuals as free and unencumbered. Feminist applications of this view include gender concerns to modify the standard model of autonomy, for example by modifying rights theories and by presenting alternative female models of the self and of ethics quite generally.

In so doing, feminists critique the models of human beings that underpin the moral and political theories we discussed in Chapters 3 and 4, as well as the rights-based models discussed in Chapter 5. A standard feminist concern (Hampton 1997; Held 2006) is that the pictures of human being that these models of justice are based on are male models. By “male” they mean to signal that these models present human beings as essentially isolated and separate agents who make “rational” (and often self-interested) ethical judgements. By contrast, “female” models tend to recognize context and relationship and see these factors as very much influencing the types of ethical and political decisions that can be made. In addition the “male” model tends to present all individuals as essentially the same: by contrast, feminist thinkers such as Iris Marion Young (2009) have championed the recognition of context and difference. Others have taken these insights about rationality and context and sought to reform universal frameworks so that they are better placed to address women’s rights and gender justice issues globally: Martha Nussbaum (1999, 2000) is an example.

WOMEN’S RIGHTS AND HUMAN RIGHTS

Rights models have been particularly criticized by feminists as conflicting with feminist responses and with those who value relationships and caring for others. Rights, particularly in their strongest form of rights as trumps (recall Dworkin’s account; see Chapter 5), assert the needs of an individual over and above those of others. Rights are therefore confrontational rather than constructive. Indeed, this is one of the reasons that rights are so effective as political and activist tools (an issue we also discussed in Chapter 5). As global ethicists, then, we should recognize the importance and usefulness of the liberal model of rights as well as the problems with it. Indeed, the usefulness of rights is recognized by many non-rights-based theories of

ethics, such as the ethics of care, which we come to later in this chapter, particularly in the political and policy arena. There is nothing like the language of rights to focus attention on particular injustices and to galvanize campaigns and support for causes. However, despite the effectiveness of human rights in general, there are many feminist and women's rights criticisms of the theoretical human-rights framework. Many of the criticisms were famously and memorably put by MacKinnon in a paper entitled "Are Women Human?," writing fifty years after the UDHR, and asking: are women human yet? Her response is worth quoting at some length (see Box 11.1).

This essay is now contained in a book of the same title that considers theoretical and practical issues in women's rights. In particular, it tracks the status of rape and violence in conflict in papers from 1981 to 2006, as well as considering pornography and the status of women's rights in various contexts, and providing a commentary on the status of women's rights as opposed to human rights. MacKinnon's forceful statement vividly illustrates the claims made at the beginning of this chapter regarding the suffering of women, sometimes referred to as "double jeopardy": women suffer from whatever injustice their community suffers from, whether poverty, ill health or conflict; but women also suffer from being women and from the additional oppression and exploitation they suffer as women.

Box 11.1 Are women human yet?

"If women were human, would we be a cash crop shipped from Thailand in containers into New York's brothels? Would we be sexual and reproductive slaves? Would we be bred, worked without pay our whole lives, burned when our dowry money wasn't enough or when men tired of us, starved as widows when our husbands died (if we survived his funeral pyre), sold for sex because we are not valued for anything else? ... Would we, when allowed to work for pay, be made to work at the most menial jobs and exploited at barely starvation level? Would we have our genitals sliced out to "cleanse" us (our body parts are dirt?), to control us, to mark us and define our cultures? Would we be trafficked as things for sexual use and entertainment worldwide in whatever form current technology makes possible? Would we be kept from learning to read and write?

"If women were human, would we have so little voice in public deliberations and in government in the countries where we live? Would we be hidden behind veils and imprisoned in houses and stoned and shot for refusing? Would we be beaten nearly to death, and to death, by men with whom we are close? Would we be sexually molested in our families? Would we be raped in genocide to terrorize and eject and destroy our ethnic communities, and raped again in that undeclared war that goes on every day in every country in the world in what is called peacetime? If women were human, would our violation be *enjoyed* by our violators? And, if we were human, when these things happened, would virtually nothing be done about it?"

(MacKinnon 2006: 41–2)

Arguably, then, the human-rights system is ordered according to male priorities rather than female priorities. For instance, MacKinnon (2006) suggests that it is likely that women would not prioritize civil and political rights (first-generation rights) but rather social and economic rights. This is because if you lack effective economic and social rights then civil and political rights are “largely inaccessible and superficial”. MacKinnon’s critique suggests that women’s rights initiatives have done little to address this. For instance, she argues that CEDAW says little about the evils of sexism and the inferior treatment of women, whereas others welcome CEDAW as a huge advance in women’s rights and some feminists see it as too radical, emphasizing the difference between women and men to too great an extent. The latest initiative is the launch of UN Women (the UN Entity for Gender Equality and the Empowerment of Women) in the summer of 2010, which is intended to mainstream gender issues and to accelerate progress towards meeting the needs of women.

Reforming rights

Most feminists embrace rights and the way that rights rhetoric can be used to advance women’s causes. However, they suggest that rights should be supplemented with other ethical frameworks to ensure that the injustices that are difficult to recognize on the rights model are not neglected. Thus rights should be revised and reconstructed to include relational and contextual concerns. For instance, Held (2006) argues that it is not rights themselves that are the problem but the way they have been presented and implemented. She argues that rights need not be, or should not be, individualist in the way they have often been presented but that, in fact, we should reinterpret respecting rights as requiring care of others to the extent that we attribute rights. Rights are then a way of signalling and recognizing that we respect others as fellow members of the group.

In *Globalising Democracy and Human Rights* (2004), Gould also addresses the issue of rights and the need to revise them, with insights from feminist thinking and the ethics of care. Gould is a champion of human rights, but presents human rights in a way that counters at least some of the criticisms of the liberal model of rights. Like other feminist theorists, Gould rejects the extreme individualism that characterizes much liberal theory, especially rights theory. Following many critics of liberal individualism, Gould asserts the relationality and connectedness of human beings, which militates against a conception of human beings as isolated, separate individuals. Thus she supports a view of human beings as social and relational beings, or, in her words, as “individuals-in-relations”. In this view, the individualism of liberal theory is tempered, as all activity includes recognition of others, their needs and the individual’s relation with them. Accordingly, while the focal agents of her model are “individuals”, these individuals are not the autonomous separate moral loci of

Box 11.2 Rights for Gould

“Human rights are always rights of individuals, based on their valid claims to conditions for their activity, but individuals bear these rights only in relation to other individuals and to social institutions. Right is in this sense an intrinsically relational concept.”

(Gould 2004)

liberal individualism but are contextually embedded beings who are relational and connected beings. By basing her philosophy and rights constructs on such understandings of the self, Gould is able to recognize the related and communal nature of human beings without denying the moral significance of the individual (Box 11.2).

Gould argues that rights cannot be considered properly *without* recognizing the relatedness and connectedness of human beings. On her view, if humans were not related and connected then rights would not be possible. Who would recognize and respect rights in a disconnected world of separate individuals? For rights to work in any context, Gould argues, requires a relational understanding, because if people did not care about others and consider their needs then the claims of rights would be empty. Human rights could be asserted, but there would be no grounds for taking them seriously and fulfilling them. In Gould’s scheme then, while individuals remain the key moral loci as rights-bearers, they are not isolated but embedded in caring relationships. This is something we shall return to in the final section of the chapter, on the ethics of care.

PROTECTING WOMEN

There are dangers in arguing that rights should be embedded in social relationships, because some social structures and relationships might actually deny and constrain the exercise of individual rights. To exercise a right is not as simple as much of rights theory suggests, even in instances where clear violation is taking place. It has been said that what much of rights theory *per se*, and the political theories of justice discussed in Chapter 4, fail to take into consideration are the structural injustices within groups that affect minority or vulnerable groups of people *within* recognized structures.

If we return to the discussion of Rawls in Chapter 4, Rawls suggests that one institution taken to be part of the “basic structure” to which justice applies is the family. But he does not speak about possible injustices within the family or power structures in this context. As discussed above, women in their social and political situations tend to see rights not just as statements of individual demands but rather

as relational and contextual. So the question of who has power in any instance is core to feminist thinking, and a useful question for global ethicists to ask in any situation. In this instance, feminists ask about the power differentials within such groups and wonder whether gender injustices are in fact nurtured and perpetuated within institutions such as the family. For instance, in *Justice, Gender, and the Family* (1989), Okin argues that Rawls's theory of justice (which, as we saw in Chapter 4, has been highly influential in the theory of global justice) does not, as it stands, address the pervasive injustice of gender inequalities that are rooted and perpetuated in the structures and practices of traditional families. This type of hidden power imbalance and the resulting injustices is illustrated clearly in the discussion of community goods and individual rights of exit.

The right of exit

The usual solution to conflict between group rights and individual rights has been to insist on a "right of exit". The assumption is that if it is always possible for individuals to leave their groups then they will be protected from any undue suppression or oppression within the groups. However, this solution ignores power imbalances within groups and the reality of women's situations. For while it might be *theoretically* possible that women within a group have a "right of exit", *in practice* exercising such a right would be unthinkable. This position is put by Okin (1999, 2002), who argues that if the right of exit is to be a satisfactory protection then it must not be just a formal right to be free to leave a religious or cultural group, but that this must be a realistic right of exit. Okin argues that although professing to protect such rights, liberal theories do not in fact do so, as they fail to recognize the real constraints that render such a right irrelevant to young women. She argues that in many of the cultures where a right of exit might be needed by young women, in particular, these women are in fact less able to effectively exercise such a right than their male counterparts, if at all.

Okin recounts the expectations of women in such cultures and the differences in the ways girls and boys are brought up and treated. She argues that most cultures control the lives of girls far more than they do boys, so that it is naive to imagine that women have the same practical means to attain a right of exit, never mind that for many young women exiting the community is unthinkable and unimaginable.

Thus, although a formal right of exit may exist, actually to make this choice – effectively to leave the cultural or religious group – is not a realistic option for these women. They respond with distress to restrictions but a right of exit is not something they would choose. To leave the religion or perhaps seek legal redress in order to prevent an unwanted marriage would be for the women to reject what is, in fact, most important to their family and community: an impossible suggestion. Thus, the

right of exit is no protection from injustices within groups as soon as the reality of the situation is considered. In Okin's (2002) words, "what kind of a choice is one between total submission and total alienation from the person she understands herself to be?" In addition many women would be more damaged if they left the group than if they submitted to the demands of the group; emotionally, psychologically and even at times physically.

Forced marriage

Anne Phillips has considered similar issues in *Multiculturalism Without Culture* (2007) where she critiqued policies of multiculturalism and its blanket deference to "culture". Phillips explores key issues of concern to feminists, from the veil to the shortcomings of the right to exit. She defends multiculturalism, with a focus on protecting individuals and people and the way in which culture matters to them rather than on protecting "culture" as a monolith. She explores the difference between some of the assumptions around arranged and forced marriages and the kinds of claim made about the differences between these, thus addressing much the same issues as Okin does, and discusses what solutions can be put in place to overcome the difficulties Okin raises. Like Okin, she is concerned with questions about coercion such as: "if young people give in to parental blackmail and the threat of ostracism by their community, does this mean they were 'forced' into marriage?" Phillips uses information from studies in the UK and cites the words of young women interviewed about their own experiences. She concludes that many of the women have been pressurized and some might even be said to have been coerced (although they would not think of it in such ways). She explores different levels of parental involvement and decision-making in different cases, and suggests that the distinction between what is voluntary and what is coerced is far from clear. Yet, on the other hand, Phillips is wary of policies that assume that women do not have agency, as there is a danger that this is also discriminatory and disempowering of these women. She cites a number of judgments that, on the face of it, have sought to protect women, but that hide cultural prejudices and fail to respect these women as they would non-minority women. One particular judgment suggested that a woman was "less able than a girl from a different background to assert herself against her parents, and more likely to succumb to their pressure". Phillips is concerned about this is because it suggests that certain women's choices should not be respected and effectively "infantilizes ethnic minority women".

Phillips's solution is to change how one approaches the issue, and to focus less on the point of choice. She rejects an extreme liberal view of choice: that anything that is chosen is "freely chosen", an approach we discussed in Chapter 9 around the ethics of kidney sale. For her, "what looks like a free agreement is in reality

often coerced, because the person entering it had no real alternatives”; she cites exploitative work and prostitution as examples. Her solution is to suggest that we should not focus on the “choice”, on whether something is freely chosen or not, but rather on the nature of the choice. Essentially, the crucial question about an action or state of affairs (e.g. a marriage, a relationship, a job or role) is not Has she chosen it?, but instead, Is what is being chosen ethically acceptable? If not, then whether she freely chooses it or not is irrelevant; there are similarities to Nussbaum here in terms of not equating what is acceptable with what is acceptable to the individual woman. She draws on the work of the feminist thinker Carole Pateman’s view of contracts, arguing that a contract – even if agreed by both parties – can still be exploitative if it establishes a relationship of subordination: in other words, if it puts one person under the power of another. Furthermore, she is concerned about the longevity of that power. For instance, a one-off contract (I’ll swap you this for that) is less concerning than a long-term commitment. Marriage is exactly that kind of long-term contract: it gives one person power over another and it requires submission over a long period of time. In Phillips’s words; “the point about forced marriage is not just that people are forced into it, but that what they are forced into is marriage”.

Nussbaum’s capability approach

The discussion of women’s experience and rights returns us to a discussion at the beginning of this book: that of universalism and relativism introduced in Chapter 3, and the case of FGC. How do we respect both the context and the group, which is essential to respecting the reality of human experience, while ensuring that individuals (often women) are not subjugated and oppressed in those relationships?

Nussbaum – a broadly liberal feminist, but with (as we saw in Chapter 3) strong Aristotelian commitments – offers a strong universalist response, believing that we can protect women only by promoting universal pictures of human being. Nussbaum (1999) argues that simply to defer to culture is to ignore the injustices done to women; and she emphasizes that many injustices are done to women precisely because they are women, and that these injustices are institutionalized and structural. Moreover, she argues, in her work on women and development (Nussbaum 2000), women within patriarchal cultures may have “adaptive preferences”. In other words, their preferences and wishes adapt to what is available; they will internalize the role of being second class and say that it is right and proper and that, moreover, it fits their own wishes.

As we saw in Chapter 3, she dismisses cultural-relativist claims; similar arguments to those she used against FGC could be used against any practice. She defends herself against critics, saying:

[W]e can hardly be charged with imposing a foreign set of values upon individuals or groups if what we are doing is providing support for basic capacities and opportunities that are involved in the selection of any flourishing life and then leaving people to choose for themselves how they will pursue human flourishing. (1999: 9)

On the other hand, she does recognize the dangers in the universal approach, in particular those of colonialism and of imposing one's own values just because they are one's own values. But, as discussed with regard to FGC, not to engage is to "risk erring by withholding critical judgement where real evil and oppression are surely present".

To achieve the balance needed she proposes a variation of the capability approach. Nussbaum's approach is somewhat different from Sen's (discussed in Chapter 7), in that she suggests a list of capabilities that are central for all human living. Nussbaum's full list of capabilities is found in Chapter 3, Case study 3.4, and does not need to be repeated here. She argues that a list is necessary if we are to be able to recognize when people lack necessary functionings so that we can put in place policies to address that lack; and moreover that "without some such notion of the basic worth of human capacities, we have a hard time arguing for women's equality and for basic human rights". Her list is derived from asking what activities are so central that they are necessary for a fully human life.

Thus Nussbaum's response is to apply universal measures, such as her version of the capability approach, in different contexts; she argues that the capability approach recognizes both that humans have common needs, problems and capacities, and that these are manifested in different circumstances. Included in the different circumstances are those of gender. To illustrate this she uses a number of examples of real women's situations in the developing world and shows how the capability approach recognizes their experiences of double jeopardy: the problems they face that men share and the problems they face specifically because they are women. One example she gives is that of a widow, Metha Bai, who was unable to work outside the home because her culture forbade women such work. As a result her survival, and that of her children, was threatened in a way that was a result of gender discrimination rather than simply poverty. Thus, for Nussbaum, Metha Bai faces obstacles and injustices that men in the same position do not face. Nussbaum's conclusion regarding respecting individuals and culture is to insist on ensuring that women have the capabilities in her list. In her words, "the capabilities approach insists that a women's affiliation with a certain group or culture should not be taken as normative for her unless, on due consideration, with all the capabilities at her disposal, she makes the norm her own". Like Okin, she recognizes that formal choice is not the same as real choice and, moreover, that those who have grown up with limited choices may internalize these traditions and come to accept their own second-class

status as “right” and “natural”. For both Nussbaum and Okin, one has to do more to provide real choice.

Dangers of neocolonialism

While work such as Okin’s and Nussbaum’s has been welcomed and hugely influential on theorists’ thinking about global gender justice, it is not without its critics. Famously, in a 2005 paper, Alison Jaggar praises the work they have done on mainstream gender justice but argues that their approaches have obscured key injustices. Most importantly, they have focused too much on the local oppression of women by local men and patriarchal culture but neglected the causes of poverty and the fact that the West, including Western women, is implicated in this poverty. She argues that to understand the abuses suffered by poor women, we need to understand practices in the context of broader political and economic systems. She cites Western “inspired” and “imposed” neoliberalism as the source of much poverty: moreover, “since women are represented disproportionately among the world’s poor and marginalised, neoliberal globalisation has been harmful especially to women – although not to all or only women”. She reminds us that cultures are not separate or monolithic, and that to a large extent cultures are shaped by Western direct and indirect interventions. Thus, she argues, “stark contrasts between Western and non-Western cultures cannot be sustained”. Nor are Western cultures necessarily superior. To begin with, there is much violence in Western cultures and practices such as veiling and seclusion are not universally regarded as anti-women: Jaggar cites support for these practices from non-Western women. To miss this context is to promote a misguided picture of poverty and of what is actually discrimination, rather than practices that are unfamiliar to Western women. Moreover, Jaggar argues that to ignore the gendered nature of neoliberal globalization is to fail to see the West’s (and Western women’s) responsibility: it promotes a “West is best” philosophy that is in contradiction of many women’s actual experiences and allows Western women to avoid their own complicity.

CARE ETHICS

So far in this chapter we have focused on feminist criticisms of the current approach and suggestions for reforming current theoretical and rights approaches. In this final section we shall consider care ethics, which is sometimes regarded as an “alternative ethic” to rights-based and deontological approaches. “Care ethics” or “the ethics of care” is presented as a women-friendly theory of ethics that is often contrasted to “the

ethics of justice”. The ethics of care – with its emphasis on character and the whole person rather than the moral act – is in the tradition of virtue ethics discussed in Chapter 3. Given this, it could be seen, with the other moral theories discussed in Chapter 3, as a Western theory rather than a *global* ethics theory. In one sense that is true (as it is for nearly all the moral theories discussed), although care ethics, like all moral theories, has global application. Moreover, care ethics, with its emphasis on persons in relation to each other and the importance of family and communal ties, can be seen as particularly accessible to communal thinking as associated with the non-Western world (e.g. similarities have been drawn with Asian value claims). Thus care ethics is an appropriate final theory to introduce in an introduction to global ethics.

Although care ethics is often presented as a distinctly female ethics, many of the tenets of care ethics have become mainstream as virtue ethics has itself become established. For instance, Joan Tronto (1993) argues that care ethics is a universal approach, because care is universally necessary: all human beings need to be cared for. However, while having universal applicability, care ethics focuses not on abstract others as a one-model-fits-all picture of the person, but allows focus on real individuals with needs that differ from other real individuals. In Held’s words, in the ethics of care others “are not the ‘all others’, or ‘everyone’, of traditional moral theory; they are not what a universal point of view or a view from nowhere could provide. They are, characteristically, actual flesh and blood other human beings for whom we have actual feelings and with whom we have real ties” (1990: 338).

The ethics of care begins with a model of the self in which individuals are not isolated, but are relational and interdependent. So moral decisions must be taken in the context of the relational, social and embedded nature of human being. From this perspective, the self, person or agent of most moral and political theories is an abstracted individual: for Held (2006), the “person seen as a holder of individual rights in the tradition of liberal political theory is an artificial and misleading abstraction”. Key contemporary proponents of the ethics of care are Held (2006) and Nell Noddings (1984).

This approach began not in moral theory as such, but in moral psychology and with the work of Carol Gilligan, and particularly her famous book *In a Different Voice* (1982). Gilligan, a developmental psychologist, documented the observation that men and women follow different moral approaches. Most particularly, she demonstrated that women were not “irrational” or “morally underdeveloped”, as they appeared in standard models of moral development, but in fact used different moral frameworks and had different moral priorities from men. Rather than using a justice framework for moral reasoning, women use a care framework. Gilligan documented a number of key differences in the different moral frameworks: first, in the care framework, priority is given to responsibility and relationships rather than to rights and rules. Second, the focus is contextual and narrative rather than formal and abstract, so rather than

Box 11.3 Characteristics of the ethics of care

- Emphasizes responsibility and relationships, not rights and rules.
- Is contextual and narrative, not formal and abstract.
- Focuses on personal processes and activity, not one-off acts or choices.

apply universal rules or principles, attention is given to the specific needs of the particular individual. Third, ethics is concerned not with just one-off acts, but with the ongoing process and the activity of care. In all these three criteria the similarities with the virtue-ethics approach discussed in Chapter 3 can be seen.

In the ethics of care the first question is What is the caring response?, rather than What is the “right act”? Here you can see the similarity with virtue ethics, where the focus is on acting virtuously, being motivated by good character traits such as generosity and honesty. Not only does the ethics of care offer an alternative to the ethics of justice, but it also criticizes the ethics of justice for promoting damaging models of ethics. Thus Held (2006) suggests that the liberal model is “not a morally good model for relations between persons”. Rather than promoting good relationships, it encourages contractual understandings of how we should relate to each other. It changes our understandings of relationships with other people and with society from

Box 11.4 Voices of subjects in Gilligan's work

A male view of morality

“I think it is recognising the right of the individual, the rights of other individuals, not interfering with those rights. Act as fairly as you would have them treat you. I think it is basically to preserve the human being's right to existence ... Secondly, the human being's right to do as he please, again without interfering with somebody else's rights.” (Gilligan 1982)

A female view of morality

“We need to depend on each other, and hopefully it is not only a physical need but a need of fulfilment in ourselves, that a person's life is enriched by cooperating with other people and striving to live in harmony with everybody else, and to that end, there are right and wrong, there are things which promote that end and that move away from it, and in that way it is possible to choose in certain cases among different course of action that obviously promote or harm that goal.” (Gilligan 1982)

those of connectedness, reciprocity and giving to those of contract and rights. Thus it encourages more self-interested individual approaches, which Held and others argue are not the best model for society.

However, this does not mean that the ethics of care has rejected all aspects of the individual model. For instance, Held argues that autonomy and rights concepts are still important. They are important for understanding how we manage our relationships and accept, manage, maintain or resist the social ties and relationships in which we find ourselves. In her words, “we maintain some relations, revise others, and create new ones, but we do not see these as the choices of independent individuals acting in the world as though social ties did not exist prior to our creating them”. Held argues that conceiving of autonomy in this way – as a relational concept – provides a far richer understanding of human being than the isolated liberal model. Likewise, Tronto argues that a model without care is incomplete and thus inferior, so that we need to at least supplement justice ethics with insights from care ethics.

Simply because the ethics of care began in developmental psychology, drawing on specifically female accounts of morality, this does not mean that one needs to endorse this as a *female* issue. Relational thinking and the insights of care ethics apply to all. Held, for instance, uses the paradigm of the caring relationship to stretch to “citizenship”. So you do not need to accept, as many virtue ethicists and feminist ethicists do not, that there are “male” and “female” models that are fundamentally different in order to endorse the tenets of care ethics. Indeed, many have argued that the insights of care ethics and virtue ethics are necessary to fix the gaps in utilitarian and deontological theories. For instance, Marcia Baron, a Kantian thinker, argues that many of the virtue ethics insights about what has been left out of standard theories can be used as suggestions of how to modify and develop Kantian theories (Baron *et al.* 1997). Likewise, the implications of separating female ethics as “caring and loving” and male ethics as “rational and principled” are dangerous for ethics and for women and their situations. As Nussbaum (1999) points out, while women can be valued for caring, they are often disvalued for caring and they disvalue themselves: “women’s propensity to care for others veers over into an undignified self-abnegation in which a woman subordinates her humanity utterly to the needs of others”. Nor would we wish to excuse men who fail to care or who give inadequate attention to their relationships and context. Conversely, we do not wish to deny rationality and principled and abstract thought to women. The danger is that such a model makes men and women different species, but it would in the end *justify* the social structures that so subordinate women. In Nussbaum’s words, “it is wrong to observe the way women are under injustice and conclude directly from this that they should and must be that way”. Such duality would be the worst situation for women. Thus, the danger is that, rather than showing this dichotomy between men and women to be false, care ethics might end up supporting it. However, the ethics of care properly understood does not do this: both rationality

and care are required for whole human beings and for ethics. As Nussbaum continues, “duly scrutinized and assessed, emotions of care and sympathy lie at the heart of the ethical life. No society can afford not to cultivate them.”

CONCLUSION

This chapter has brought together many of the issues we have considered, from poverty to exploitation, and explored how women suffer disproportionately from injustices (and sometimes from the solutions to those injustices, for instance in population control). We have seen how women as a group – despite constituting just over half the global population – are systematically and routinely discriminated against. For some women these discriminations are relatively minor, for instance receiving lower pay or suffering sexual stereotyping; for others they are more serious and take the form of abuse and violence; whereas for others still, such as Metha Bai, they are a matter of very survival. Gender injustice is recognizable in the experience of all women – shown clearly by all the data – and the denial of it is part of the oppression.

Considering issues of gender justice raises issues for global ethics more broadly. The discussion of “male” models and human rights reminds us forcibly that ethics is about people and their relationships. This is as true for men as for women, and if we forget this there is a danger that our arguments will become intellectual games, or designed to meet policy targets, rather than tackling the injustice that real women and men actually experience. Considering gender reminds us that we are all human, with our own lives, needs, relationships, joys and sorrows. In so doing it offers insights that we can use to reform and develop global ethics. For instance, on this recognition, feminist models go some way to overcoming a key difficulty of contemporary ethics (perhaps *the* key difficulty) of how to balance the rights of individuals and groups. When considered abstractly, this looks impossible; however, when we recognize that individuals are not separate units, but connected to loved ones, to family and groups, and that groups are collections of real people, the differences begin to look more solvable.

This is not to say that feminist theorizing has all the answers, as even a short chapter has shown that there are huge disagreements between feminists, most obviously between liberal feminists and those critical of the liberal model. However, all the theorists we have looked at agree that the real-world context of women’s situations matter and that, when compared to their male counterparts, women are still second class. The key point for our purposes, then, is that if these issues of gender justice were addressed, we would be better placed to tackle many of the broader issues of global ethics. It is hoped that this chapter, and this book, have outlined some of the perspectives from which this can be done.

FURTHER READING

- Center for Reproductive Rights & Poradňa. *Body and Soul: Forced Sterilization and Other Assaults on Roma Reproductive Freedom* (New York: Center for Reproductive Rights, 2003). <http://reproductiverights.org/en/document/body-and-soul-forced-sterilization-and-other-assaults-on-roma-reproductive-freedom> (accessed May 2011).
- Held, V. (ed.). *Justice and Care: Essential Readings in Feminist Ethics* (Boulder, CO: Westview Press, 1995).
- Held, V. *The Ethics of Care: Personal, Political and Global* (Oxford: Oxford University Press, 2006).
- Jaggar, A. "'Saving Amina': Global Justice for Women and Intercultural Dialogue". In *Real World Justice*, A. Follesdal & T. Pogge (eds), 37–63 (Dordrecht: Springer, 2005).
- Mackenzie, C. & N. Stoljar. *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self* (Oxford: Oxford University Press, 2000).
- MacKinnon, C. *Are Women Human? And Other International Dialogues* (Cambridge, MA: Harvard University Press, 2006).
- Nussbaum, M. *Sex and Social Justice* (Oxford: Oxford University Press, 1999).
- Nussbaum, M. *Women and Human Development: The Capabilities Approach* (Cambridge: Cambridge University Press, 2000).
- Phillips, A. "Free to Decide for Oneself". In *Illusion of Consent*, D. I. O'Neill, M. L. Shanley & I. M. Young (eds), 99–118 (University Park, PA: Penn State University Press, 2008).
- Saul, J. *Feminism: Issues and Arguments* (Oxford: Oxford University Press, 2003).
- United Nations Development Programme (UNDP). *Overcoming Barriers: Human Mobility and Development*. Human Development Report 2009. <http://hdr.undp.org/en/reports/global/hdr2009/> (accessed May 2011).
- Young, I. M. *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 2009).