



Multiculturalism Bites

Clare Chambers on Justifying Intervention

David Edmonds:

When couples have children it's still more likely that the mother cuts down on paid work than the father. Most mothers, if you ask them about this, might say it was their choice to do so. Liberals believe that individuals ought to be free to choose how they lead their lives and the government should be neutral between choices. But what counts as a free choice? What happens if we regard some choices individuals make as perverse, as not in their own interests? How are we to respond when individuals claim their choices are free, but where they appear to have been taken under intense cultural and community pressure? Clare Chambers, of Jesus College Cambridge, is a liberal. Why then does she think that it's sometimes right to intervene – in order to shape decisions that individuals insist that they have freely taken?

Nigel Warburton:

Clare Chambers, we're going to be talking about liberalism and intervention. Now, you describe yourself as a liberal. What do you understand by that term?

Clare Chambers: Well there are many different varieties of liberalism. I think what unifies all liberals is a belief in two fundamental values: freedom and equality. And then quite how you expand those values affects the kind of liberal you are.

Some liberals think that those values should be understood purely as political values: things that we ensure that people have access to as citizens, but that we don't go any further in securing them as having freedom and equality in their daily lives. Those kinds of liberals would call themselves political liberals.

Another kind of liberal, which I would associate myself with, would be a comprehensive liberal. That's someone who says, it actually matters that people are able to live lives that have real freedom and equality in a daily sense, rather than simply having the state treat them as if they might have freedom and equality, but then not minding about whether they actually live lives with freedom and equality in them.

NW:

Now, the big problem for a liberal is you're surrounded by practices which from your perspective look illiberal. Could you give me some examples of the kinds of things which might spur you to action as a liberal?

CC:

Well I think all liberals would be worried about practices which were not chosen, which showed a lack of freedom. Perhaps a more interesting more controversial set of illiberal practices are those that might sometimes be chosen but that are problematic with respect to equality. So, for example, I could think of times when in our culture, women and men might choose very different sorts of career paths. Women might be much more likely to stay at home fulltime to look after children; men might be much less likely to do that, much more likely to seek paid work. Now, there's a choice there. So the question is whether that is problematic for a liberal. It's problematic if we think that the inequality involved in that choice is problematic. Another example would be something like somebody choosing to have cosmetic surgery, again, a practice which is unequal, where women and men are likely to engage in cosmetic surgery in very different numbers and for different reasons, and also a practice where we might think it's problematic because even if it's chosen, it's nevertheless harmful: surgery comes with risks it's costly, it can have side effects and so on.

NW:

Now, I can see why somebody might be concerned about a woman who feels that she ought to stay in the house and never go out, but if she's freely chosen to stay at home with her

children, why is that a problem for a liberal, because she's done it out of free choice? That's the essence of liberalism isn't it? You make your own decisions and your own mistakes.

CC:

Absolutely. I wouldn't want to say that any woman who decides to stay at home fulltime is making a mistake. It could be a very valuable choice for her to make. Where it would be problematic to make that choice would be if two things were true. Firstly, if she were disadvantaged by that choice; and secondly if there were some strong reason why she was influenced to make that choice.

NW:

Okay, let's go through those. What do you mean by 'disadvantaged'?

CC:

Well, a woman might be disadvantaged if she chooses to stay at home to look after her children, if that choice brings with it economic dependence on others: if she's unable to be independent to make her own decisions about her life without relying on the person on whom she is economically dependent.

And the choice to stay at home and look after children fulltime might also be disadvantageous because it's difficult to reverse. If you leave the job market for a period of time it's very hard to re-enter the job market. So while being a fulltime housewife could have lots of advantages - increased time with your children and so on - it might bring with it economic inequality which liberals might want to be concerned about.

NW:

But equally, somebody going out to work in the city, earning a large amount of money, may be seriously disadvantaged in terms of free time, stress levels, commuting discomfort, and so on. As a father I would be disadvantaged in that situation because of the small number of hours I'd be able to see my children awake, and so on.

CC:

That's true: both paid work and domestic work have benefits and burdens. But fathers who work fulltime, if the mother of their children looks after the children, have the advantage of knowing that their children are looked after very well, that they don't have to adjust their own work demands so as to take care of their children, for example, if the children are ill, if there are holidays, and that the demands of their career can take precedence. And I think significantly the advantage that the father has in this example is that his choice is one that gives him many future choices. He could choose in the future to scale back his working hours, to change careers, he's economically in a position to do so; whereas the mother in this case is dependent on the decisions of the father.

NW:

Disadvantage is one area which could make a practice illiberal. What about the second one, the part played by influence?

CC:

Well, we're all influenced, I think, in everything we do. The social norms that we work in, the cultural practices that we situate ourselves in, affect our behaviour all the time. But we can also identify some very explicit forms of influence that can go over and above that general cultural influence that we're all in all the time.

So again, so think about this example of housework versus paid work. If we look at newspaper and magazine articles, advice in parenting manuals, and so on, we can see that it's much much more likely that women are told that their children might be harmed if their mothers go to work, that children need a strong bond with their mothers, and that's much more likely to be made an issue of than it is for men.

So women and not men are made to believe that their choice to return to work after having children is a problematic difficult one. So therefore I would say that women and not men are explicitly influenced to think that there are good reasons why they ought to stay at home to look after their children even if that means they suffer economically.

NW:

But what if there were scientific evidence that would satisfy you that there is a different relationship between a mother and a child from a father and a child, and that maternal absence at key points in a child's development had harmful effects on that child's upbringing?

CC:

Well what I would say is that the model of illiberal practices or problematic practices that I've put forward rests on there being disadvantage and influence, and we can rectify the injustice by rectifying either the influence or the disadvantage.

Now in the scenario you've described, I would say that what we ought to do is try to rectify the disadvantage. If it's true that children need mothers in particular ways that they don't need fathers, then we should try to ensure that women who take on those mothering roles aren't disadvantaged by doing so, perhaps by providing women who are fulltime mothers with wages, with, economic dependence, with some claim on fathers wages or some other mechanism of ensuring that women can re-enter the workforce when their children are older, or something like that. So you might want to rectify influence or you might want to rectify disadvantage.

NW:

So what you're saying is that in a situation where there is clear influence, of an unequal kind, and there is also disadvantage that results from the particular way of structuring somebody's life, that's a point where you would take some kind of action, even though liberals are traditionally thought of as a kind of 'live and let live' people.

CC:

Yes that's right. But both are necessary conditions: both disadvantage and influence have to exist in order for intervention to be on the table. That's because we could imagine cases where people are influenced to choose something which advantages them.

For example children of middle-class parents who are themselves university-educated might be strongly influenced by their parents and their social class to themselves carry on to University. Now they've suffered influence but have they really *suffered* influence? In other words the influence has benefited them.

Similarly with the disadvantage factor, there might be a case where somebody does choose something which disadvantages them, but does so with no social influence encouraging them to do that thing. And then again we might think that was a strange choice, one we might not ourselves make, but we haven't got that social influence which leads us to think the practice that they have chosen is unjust and should be intervened with.

Advocates of autonomy might want to say that autonomy is undermined if your parents encourage you to go to university in the same way as autonomy is undermined if they discourage you from going to University. There are two differences, I think. One is that if you are encouraged to do something that advantages you then probably that advantageous choice is going to increase your autonomy in the long run. Going to university is going to give you more choices than if you didn't go to university, more careers open to you, and so on.

But secondly we might just think that if we're talking about state intervention, we need to focus our attention on the cases that have disadvantage, as a matter of prioritisation. There's more reason for the state to intervene to try to encourage people to think about university than there is for the state to intervene and try and discourage them from doing so.

NW:

Now it's clear that within some cultures women have, as it were, a pre-ordained role: they may not be encouraged to work outside of the house, they may be expected to look after children, do all the cooking, do all the housework. That looks from their perspective like a choice for them; they haven't run away, they've married into that world knowingly. But from your perspective, presumably, those are illiberal practices?

CC:

Well I think it's very interesting that you said it's a choice for them because they haven't run away, and many liberals would formulate it in that kind of language. They would say that the important thing is to secure freedom of exit, that liberals are happy if people are members of cultures and abide by certain practices through choice, where 'choice' means they haven't left

but they could if they wanted to do. Now I think it's deeply problematic to rely on freedom of exit as a measure of choice and a measure of justice within a particular culture or for an individual.

Firstly, it's unclear to me what 'exit' would mean when we're talking about cultures or religions. What does it mean to leave a culture? Does it mean to reject all of your family and friends who are in that culture? Does it mean to stop believing in everything that that culture or that religion upholds, even if you still do in fact have some beliefs and some of those practices.

So it's unclear what 'exit' would mean, and it's pretty clear that whatever it means it's going to be costly for the individual to think about leaving their culture, leaving their religion, leaving their family, leaving the practices which they have been brought up in.

And the other problem with focusing on exit as the measure of whether an individual has chosen and is happy with a practice is that that really does assume that existing cultural practice and existing cultural arrangements are unproblematic and that the only way that an individual can oppose those is to leave them.

Whereas in fact if we have an idea of cultures as being more fluid, being more progressive, being more internally diverse than that, you might say, 'Well actually it might be appropriate for some of the practices of a culture to change from within the culture', that individuals ought to be able to change and shift and adapt their practices rather than simply having an all or nothing approach to them.

NW: *Well what about a case where you've got a hierarchical religious society where only men can occupy the senior roles in terms of the religion - and that's quite a common paradigm for religions - are you saying that the state should intervene in the religious life of these communities?*

CC:

I want to say there's a big difference between unequal practices of groups where you're a member of that group only by choice in the sense that you've entered into that group as a freely-choosing adult aware of the practices of that group, and the situation of a group where you find yourself already a member. And I think religions are much more like that second category. Most religions want to bring children up inside the religion. So they find themselves as adults, as members of a community which then gives very unequal weights to their position if they're a woman or a man. And yes I think there is something problematic about that from a liberal perspective, and particularly problematic where the inequality is an inequality that's about employment, for example.

So the case of Catholic priesthood is interesting because in Britain we have laws that say that we can't discriminate between people for jobs on grounds of sex, but the Catholic Church is allowed to discriminate on grounds of sex when employing people as priests, even though it's a job like other jobs. And that I think is particularly problematic given the feature I've just described which is that people are brought up within the Catholic Church, and so girls can find themselves being members of a group that they have strong commitments too as part of their upbringing, and yet it's a religion that treats them very unequally.

NW:

So what do you do?

CC:

Well one suggestion I have is that we could treat religions no differently than we treat other groups that might want to be discriminatory. So I mentioned employment, and we have very clear laws for dealing with discrimination in employment. If an employer says that he prefers men, he prefers working with men, he thinks that men are better than women at certain jobs and that it would affect the culture of his organization if women were allowed to have senior jobs, we as part of a legal framework say that that's unacceptable and that he has to employ and promote women on equal terms with men. And I think we should apply the same principles to religious employment as to other employment. One way in which that might not be the case is that it would be appropriate for a religious organization to insist that any rabbi or priest or so on that they wanted to employ should be a member of that religion. That would be a case where there might be a difference between a religion and a different employing organization. So if you want to be a Catholic priest you have to be a Catholic, whereas we might want to say that it's not appropriate to say that you have to be a Catholic if you're going

to be employed by a shop, or something like that. The difference is that being a Catholic is something that is necessary in order to do the job: it's impossible to be a Catholic priest without believing in Catholicism, it's not true of other ascriptive characteristics.

NW:

So consistency here is important. We're not going to make special cases for each religion?

CC:

Yes. I think we should have a presumption in favour of consistency between religious and non-religious groups.

NW:

Does that apply to cases like a teacher wearing a burkha for instance. There was a very controversial case in Britain of a teacher, she wanted to wear a burkha that revealed very little of her face while she was teaching school children, and many people felt that that was an obstacle to doing her job and that she should be in effect forced not to wear that.

CC:

Yes. I would say in that kind of case we need to look at the reasons put forward against wearing a burkha. And if it is indeed true that somebody wearing a burker can't communicate effectively with students, that they can't understand her, that she's not an effective teacher. If that's true then the fact that she's wearing it for religious reasons isn't in itself a special consideration.

NW:

Somebody who wears a burkha in a hot country is going to get incredibly hot. If they feel obliged to wear it for social reasons, that's going to be a serious disadvantage. They're not treated equally with men within a group of people who say men can wear what they want but women have to wear the burkha in public. That case seems to meet your conditions for intervention; somebody would have been disadvantaged and would have been influenced in a way that led to that disadvantage.

CC:

Well I think most liberals would be perfectly happy to intervene in that case if the woman actually had to wear a burkha in public. In other words I think most liberals would be happy with saying that there should be a law requiring woman to wear a burkha.

Were many liberals would be wary would be about saying that there should be intervention where the woman's choice to wear burkha is a choice in a sense of not being required by law. What I would say about that is that in order to consider state intervention in a practice, the disadvantage that the person suffers has to be sufficiently severe as to make intervention not a disproportionate remedy.

If I choose to disadvantage myself by gently pinching myself on my arm once every month and I've been influence to do so, well yes I've suffered from the disadvantage and influence factor, but it would be grossly disproportionate for the state to intervene, to send a policean round to prevent me from pinching myself and so on.

So the question with the burkha is how weighty is the disadvantage that the individual suffers from wearing it? I think it's very difficult to say in advance where the threshold point is for any particular example. But I would want to point out that we do in fact do this in law all the time.

We do make decisions about which practices are harmful enough to merit intervention and which are not. So for example we do have a law that says you ought to wear a seatbelt in a car, because the injuries you would suffer without wearing a seatbelt would be significantly more harmful than the benefit of choosing whether to wear a seatbelt or not.

Saying where each decision should take for each practice in advance is difficult, but it's not something that's in principle impossible to do.

NW:

One distinctive feature of liberalism is the acknowledgement that when it comes to deciding how to live, nobody knows better than the individual living the life. Some people may be very confident that the life they're imposing on an individual is the best life for that individual. But if that's the government, there's a whole history of mistakes. What do you think about the idea

that by allowing intervention in some cases, you license a government to do things which could be quite oppressive?

CC:

Well I wouldn't want the government to intervene to impose a particular way of life, in any case. So the cases I'm thinking about, are times where the government might intervene to make a particular choice either less disadvantageous, less costly for the person involved, or to try to lessen the factors that are pressing the individual to make that choice and not some other choice. So I'm not advocating that the state intervene and tells the individual what they should do, or to choose a particular way of life or a particular practice. I'm rather advocating that the government intervene to make either the choice less costly or to make more choices available. So I think that makes that much less oppressive than you might otherwise fear.

NW:

So would it be fair to describe your approach as a kind of catalyst for evolution rather than paternalism?

CC:

I'm not as worried by the paternalism label as some people are. I don't mind if it's called paternalistic: I think some paternalism is good, the seatbelt example I think is a good one. But I like the way that you put it in terms of a catalyst for evolution. Yes, it's not about the state imposing new ways of life on people but about giving people the genuine freedom to choose them for themselves.

NW:

Clare Chambers, thank you very much.

CC:

Thank you.