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**PATRIARCHY AND HARMFUL PRACTICES:
NOT A PROBLEM FOR US?**

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necessary nor possible. Since the mother had given her consent to the adoption the local authority was authorised to place the child for adoption. It was in the child's best interests to be adopted and the process of matching adopters could begin without further order.

The case of AO was more problematic. The power to transfer the proceedings to the Hungarian court pursuant to Art 15 of BIRR was not available, as that Regulation did not include decisions on adoption or measures preparatory to adoption. The inherent jurisdiction could not be used in such a way as to cut across the statutory scheme. The local authority application for a transfer of proceedings was therefore dismissed. As in the case of JL, the parents had given their consent to adoption and, therefore, the local authority was authorised to place the child.

Discussion

The decisions in *Re JL and AO* are a useful review of the law in relation to children of foreign national parents born in England and relinquished for adoption. Practitioners should bear in mind the following key points:

Brussels II does not apply to decisions on adoption or measures preparatory to adoption.

Local authorities do not have to apply for a placement order before placing a relinquished child of foreign nationals for adoption where the parents consent.

The wishes and feelings of the birth parents will carry significant weight in evaluating the child's welfare but are not decisive and must be evaluated along with all the other factors in the welfare checklist, including an assessment of possible family placement.

PATRIARCHY AND HARMFUL PRACTICES: NOT A PROBLEM FOR US?

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This article is based on a presentation I delivered at the Nagarro conference 'Understanding Cultural Diversity in Assessing Families and Safeguarding Children', held on 12 October 2015. In my presentation, I provided an overview of different types of harmful practices, showed that the genesis of most harmful practices lies in patriarchal beliefs and explored how our understanding of this issue must not be viewed through the lens of ethnocentrism. A pitfall of adopting an ethnocentric outlook is that it can result in a failure to recognise the fact that patriarchy is prevalent in the UK, that it permeates our practice and is equally responsible for the harmful practices performed in the West.

What are harmful practices?

The United Nations defines harmful traditional practices as:

'Forms of violence that have been committed against women in certain communities and societies for so long that these abuses are considered a part of accepted cultural practice. These violations include female genital mutilation or cutting (FGM), dowry murders, so-called honour killings, and early marriage. They lead to death, disabilities, and physical and psychological dysfunction for millions of women annually.'

An exhaustive list of practices does not exist and the types of practices undertaken are evolving, with new ones emerging.

Although the term 'harmful traditional practices' is used in the literature and in the national Violence against Women and Girls Strategy (Home Office, 2016), there are a number of challenges presented by its usage. The word 'traditional' has been conflated with culture, which channels our understanding of it as being only experienced by Black and Minority Ethnic (BME) communities. For some reason, culture has become synonymous with this group, when it is in fact universal. The word 'tradition' also implies that violence against women and girls is an accepted practice and consequently makes challenging such practices, within a violence against women and girls context, difficult (Roy et al., 2011). By jettisoning the term 'traditional', these practices are no longer cloaked under the guise of custom and can then be seen as harmful and a human rights violation.

When we think of harmful practices, it usually conjures images of barbaric acts inflicted on women and girls, mainly by women, in faraway countries for example FGM, breast ironing and acid attacks. In the UK, the types of harmful

practices usually discussed include FGM, forced marriage and 'honour' based violence, with recent attention being focused on breast ironing, which is inflicted on the girl by her female relatives to protect her from the advances of men (Berry, 2016). Increased awareness and concerns about harmful practices has led to legislative changes in relation to FGM via the Serious Crime Act 2015 and forced marriage through the Anti-Social Behaviour, Crime and Policing Act 2014. The Government has also reissued statutory guidance on forced marriage and FGM for frontline practitioners in 2014 and 2016 respectively (HM Government, 2014 and HM Government, 2016).

Other types of harmful practices less spoken about in the UK include:

Force feeding: in some countries, the image of a beautiful girl or woman is one that is obese or over-weight. To ensure women and girls achieve the desired size, a process of forced over-feeding takes place; this is also done to ensure that a high bride price is received.

Food taboos: food restrictions placed generally on women and children. It is a traditional way of managing rare and tasty food such as eggs, meats and fish and can result in those it is perpetrated against suffering malnutrition, infections and other health consequences.

Son preference: a process where boys are socialised to be superior to girls or where preference is given to boys over girls in access to education and also where inheritance is traditionally passed from father to son.

Female infanticide: an extreme form of son preference in which baby girls are deliberately killed. It can also involve sex-selective abortions of female foetuses.

Bonus wife (Mbirigha): a man is given his wife's younger sister or niece to take as a second wife.

Sighet: a man is allowed to marry a woman for a period of months or years.

Levirate: a widow is married off to the brother of her deceased husband.

Sororate: upon the death of the wife, her younger sister replaces her by marrying her husband.

Bride kidnapping: a man kidnaps a woman or girl for marriage.

Widowhood rites: a woman is blamed for the death of her husband and must prove her innocence by engaging in a number of distressing rituals such as drinking the water of the dead body and being denied sleep and food.

Lips plates: a practice where the lower lip is cut and a plate is inserted.

These practices are all abusive and to understand why they continue to be practised, it is important to explore the insidious nature of patriarchy. For further information on these harmful practices, see Kouyaté (2009), Haeri (1986), Miller (2001) and United Nations (2009).

Patriarchy

Patriarchy refers to 'a system of social relations in which there is gender inequality between socially defined men and women' (Nash, 2009). It is an ideological construct that uses the notion of masculinity to legitimise men as superior to women. In environments where patriarchy exists women are generally disadvantaged in obtaining equal political, social and economic rewards or positions on offer. These hierarchical power relations downgrade women to inferior positions in society and the gender roles they are expected to assume ensures that men constitute the hegemonic group. Whilst men can be victims of harmful practices, by and large it is a gendered issue, as the majority are inflicted on women and girls. Most harmful practices should be seen, as an attempt to suppress and control the sexuality of women and girls and are done for the benefit of men. The fact that it is done for men is an important point to grasp, as this helps to explain why women will perpetrate such levels of violence on other women and girls.

Where notions of 'honour' exist, the behaviour of the female members of a man's family is inextricably linked to how he perceives himself and how others perceive him. A woman who behaves in the manner dictated by religion and culture is revered, as this brings 'honour' to the man, family, community and even nation. This highlights the heavy burden placed on women and girls to behave in a religiously and culturally sanctioned way, especially in terms of sexual purity. This consanguineous marriage of patriarchy and virginity is central to understanding 'honour'. The importance of 'honour' to men can be best understood by the adage, 'Blood is thicker than water, but 'honour' is thicker than blood'. What this means is that for a woman or girl to behave in a way that dishonours a man, that 'honour' must be regained and this may involve violence being perpetrated towards the woman or girl regardless of her status as mother, sister or daughter. The sexual purity of a woman (her 'honour') can then best be seen as more important for men than it is for women, as men do not achieve prestige by reaching mountain summits or conquering the elements, but by policing what is between the legs of a woman or girl, as this is where his

prestige can be found (Memissi, 1982). This illuminates our understanding of why practices such as child marriage and FGM are performed to control the sexuality of women and girls and why they are difficult to eliminate.

Harmful practices in the West

The current narrative on harmful practices in the media, policy and legislation has created a trajectory in our understanding of the issue as being a problem for Black Diaspora communities. There is unwillingness, or rather a failure, to recognise that non-BME communities in the UK have always performed and still perform harmful practices. The danger here is that views like this could ghettoise the issue and even result in caricaturing the culture of others. Creating such dichotomised beliefs risks professionals imposing ethnocentric views that rank one's own cultural beliefs as superior to all others (Korbin, 2007). A more sophisticated debate will acknowledge and recognise that the UK has had a long history of performing harmful practices and which continue to be practised in varying forms. A trenchant analysis of these will reveal that they are a result of the same patriarchal attitudes that are responsible for perpetuating similar practices in other societies and as such reflect a similar value placed upon women and girls in UK society.

Historically, in Europe corsetry was a standard form of attire and it presented an unrealistic and sexualised image of women (Monogan, 2010). Corsets restricted movement, caused breathing difficulties and presented other health consequences. Another harmful practice performed in the UK was clitoridectomy. Victorian surgeons were known to have an obsession with clitoridectomy and performed the procedure to cure epilepsy, nymphomania and hysteria (Black, 1997). Forced marriages were also commonplace in Britain and were performed to protect the reputation of women who became pregnant out of wedlock (Siddiqui, 2013). These practices never had cultural labels attached and even today, are not spoken about in the same way. These practices undeniably reflect the repression of women and are the result of patriarchal beliefs in UK society.

Adopting a stance that white communities do not perform harmful practices is perilous and will result in women and girls not being protected. The difficulty that professionals appear to experience is deciphering which practices are harmful and why. Jeffreys (2005) argues that there are harmful practices being performed in Western societies today, but they are framed under the guise of being consumer 'choice', 'medicine', 'science' or 'fashion' and so create an illusion of acceptability. Jeffreys' contention is that if practices such as force feeding and FGM are seen as harmful when performed by one group, why should other practices at the other end of the continuum, which are equally harmful and performed in the UK by white communities, evade being labelled as cultural? She gives the example of a Western woman's quest for slenderness

by extreme dieting or starvation, as it can result in eating disorders and death. Pornography, although not seen as cultural, has created a demand for non-therapeutic cosmetic surgery in the West for example labiaplasty and genital piercing, but the cultural label of it being a harmful practice is not attached. Although corsetry might now be seen as something worn by celebrities, it has only given way to the practice of breast implants, which also accentuate a woman's shape. If FGM is considered to be a harmful practice, then breast or buttock implants should not be viewed differently. According to Jeffreys, even Western beauty practices, such as makeup and high-heeled shoes, are the product of the value placed on women, where their bodies are decorated and altered to show that women are members of a subordinate class that exists for men's delight' (Jeffreys, 2005, p32). Jeffreys' contention whilst difficult to accept, is nonetheless valid and shows how professionals must be more critical of their stance in relation to addressing the impact of patriarchy.

How does patriarchy manifest itself in other areas?

Child sexual exploitation

Notions of masculinity and femininity are social constructs, which are used to perpetuate patriarchal power and control. Professionals may perpetuate stereotypical views about masculinity and femininity without realising it and this can have a negative impact on children and young people. Examples of this can be found in the recent high-profile child sexual exploitation (CSE) cases.

The Rotherham Independent Inquiry and the Oxfordshire Serious Case Review into CSE shocked the nation due to the extent of the abuse uncovered and the 'collective failures' of professionals and agencies to protect vulnerable children (Jay, 2014 and Oxfordshire Safeguarding Children Board, 2015). Both reports documented that professionals' attitudes towards the children involved often meant that they were blamed for their own abuse or disbelieved, even in the face of clear evidence that it was taking place. Some professionals described the children as 'precocious', 'undisciplined' and 'naughty'. These attitudes towards the children meant that they were not worthy of protection.

Children as young as 11 years old were deemed able to consent to sexual intercourse, when they were, in fact, victims of rape by adults. There is now recognition that the sexual exploitation of children is more widespread than was thought, with professionals in areas other than Rotherham and Oxfordshire making similar mistakes.

There seems to be an acceptance that children have agency and can therefore consent to sexual intercourse. Though not labelled as cultural, this acceptance seemed to override professionals' understanding of what is abusive and harmful, because, under the guise of 'consent', it is deemed acceptable. The question then is, how could this not have been seen as a harmful practice when intercourse in

an early marriage is viewed as rape and a harmful practice? Another question is what could account for the professionals' attitude in these cases?

The Rotherham and Oxfordshire reports were good at documenting the pejorative terms used and the punitive attitudes of professionals, but they failed to name the genesis of these attitudes. Such attitudes are undoubtedly the result of patriarchal beliefs existent in Western culture. It is important to acknowledge that, in the West, the sexual reputations of men and women are viewed differently. If boys in a heterosexual context were to engage in the same behaviours as the girls who were labelled as 'undesirables', they would not have been stigmatised, but praised for their conquest. This social construction of female sexual reputation is a direct result of attitudes influenced by patriarchy, which, paradoxically, can result in boys not being protected, when they too are being sexually exploited. These CSE cases highlight the invisibility of patriarchy and how practitioners must be aware of how it operates in society, how it permeates the workplace, seeps into practice and can be reproduced in ways that denigrate and present further risk to children and families.

Abuse linked to faith or belief

Misfortune is a natural part of human existence and its occurrence may cause some to use their belief in the supernatural to help explain why it happened. Patriarchal attitudes can have explanatory value in relation to abuse linked to faith and belief, so it is important that professionals are cognisant of how this occurs. The Mayor of London's *Mayoral Strategy on Violence against Women and Girls* clearly categorises this type of abuse as harmful practice and has established The Mayor of London's harmful practices taskforce in a bid to eradicate it.

Beliefs in witchcraft can be found worldwide and in nearly all religious traditions (La Fontaine, 2009). Similarly, belief in spirit possession is also a global phenomenon. Given the religious, social and cultural differences from society to society, the meaning of these terms varies. The absence of any universally accepted definition or consensus on what constitutes spirit possession or witchcraft beliefs, (Stobart, 2009), creates difficulties in understanding these phenomena. Notwithstanding these challenges, it can be said that witchcraft beliefs broadly hold that an evil force has entered someone and proceeds to engage in psychic activities aimed at causing all manner of harm to others, whilst belief in spirit possession holds that 'an evil force has entered a person and is controlling him or her' (Stobart, 2006, 3).

Victoria Climbié, Khyra Ishaq and Kristy Bannu are the names of children etched into the minds of most professionals. They are perhaps most remembered for the tragedy that beset them and the accusations by their parents/carers that they were either a witch or possessed by evil spirits. The belief that a child can be a witch or possessed is a new phenomenon in child

protection in the UK. In relation to children both genders are equally accused, so in this age group it does not appear to be a gendered issue. Conversely, in relation to adults, accusations have, historically and currently, been levelled against women.

Where domestic disputes occur, beliefs in the supernatural can be used to diagnose the aetiology of the problem. In some societies a man's account is respected more than a woman's and a man is seen as a 'demi-god' and the guardian of women. If a husband considers his wife to be crossing the boundaries of what is seen as socially acceptable within their relationship, beliefs in the supernatural can be used to explain her behaviour. A woman's perceived insolence could result in her being labelled as a witch or possessed by an evil spirit. Her partner could also level claims of infidelity taking place in the spiritual realm against him, that is, she has a spiritual husband. The term 'spiritual husband' or 'spiritual wife' is the belief that someone could be married in the spiritual realm. Such relationships are consummated and are viewed as having a deleterious impact, both to the person and to their relationships in the physical realm. By accusing his partner, the man exonerates himself from all blame and places responsibility for any discord within the relationship upon the nefarious practices of his partner. A man's attempt to diagnose the cause of the problem in his relationship by levelling such accusations could be seen as an attempt to denigrate the woman and to restore the patriarchal order. Since his account is likely to be taken as truth, this places the woman in the precarious situation of being stigmatised and abused by her community.

The way ahead

Acknowledging that harmful practices exist not only in BME communities and accepting that these practices, wherever they exist, reify patriarchy, will remove the 'othering' of the issue from taking place and will galvanise the support needed by all towards tackling it. Professionals must be careful not to replicate stereotypical attitudes about masculinity because, as illustrated above, these can have a detrimental impact. Being culturally competent has been touted as a step in the right direction, but this only augments one's knowledge and expertise about the culture of others and does not account for variations within groups. Learning about the culture of others must take account of the view that practitioners do not approach a child with presuppositionless attitudes, or consider how one's positionality influences their practice. Professionals need to be aware of and uncover their own patriarchal beliefs and recognise that 'the ability to understand one's own culture is the stepping stone to being able to understand other cultures' (Korbin, 2007). This demands that professionals should develop self-awareness and reflection as standard practice. Therefore, cultural competence as an approach is too limiting and the broader concept of cultural sensitivity, which relates to 'a person's moral, emotional, or aesthetic ideas or standards (Dogra and Karnik, 2003) will be a more effective way forward.

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