

ADDRESS TO THE SOROPTIMISTS CLUB

AT THE LAUNCH OF THE LAUTOKA CHAPTER

MAY 10TH 2008

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HIGH COURT, FIJI

I accepted this invitation to address you at this important occasion with some trepidation. Firstly because I knew that I had to exercise great caution to avoid talking about anything that is, or is likely to be before the court. Given the current eagerness of the legal profession and other groups to bring litigation before the courts, that does not leave me with much to talk about. Secondly, the sights and sounds of judges speaking their minds in public have become a growth industry in the last year. I do not want to join the gang and add to the controversy. One of my colleagues told me very unkindly that I cannot avoid controversy, it seems to dog my steps wherever I go. So be it. If I am to be controversial, so long as I avoid the pending litigation hurdle, then at least tonight I am enjoying the experience, surrounded by women of intelligence and concern for society. The women of the Soroptimist International Club.

You have asked me to speak about women and our society. That is a subject dear to my heart. The experiences of women in our society, the way gender, culture and ethnicity colour other people's perceptions of women and how those perceptions in turn derail the initiatives of women, are matters I am very familiar with. Perceptions of women are driven by gender stereotypes. They are not founded on reality. But they destroy women's chances of a level playing field. When you analyse a perception you will invariably find that it is not based on any evidence at all. To suggest that people's perceptions of other people is based on idle rumour, or gossip or random experiences is I believe to dismiss those perceptions too lightly. These perceptions are centuries old. Two models of females can be found in Greek mythology. They were either terrifying and destructive using trickery to murder and pillage, or they were passive victims, raped or seduced by the gods. The evil Gorgon or the pathetic victim¹. These images of women have endured – I would say that they have been carefully preserved. Perceptions matter, not because they are based on the truth (because they usually are not) but because they have the effect of diminishing a person's individual worth, and of depriving that person of the right to be judged by his or her merits. And, because false

Blundell Sue "Women in Ancient Greece" Harvard University Press 1995.

perceptions and contrived realities are so easily **created** by a manipulation of society's views, they are dangerous – they are sinister and they have economic consequences.

What are these consequences? It was not until the First World War that women entered the workforce in numbers. They entered because the men were at war, and women kept the factories, offices and shops going. However on the return of the soldiers, women were mostly relegated to the menial and administrative jobs. When they tried to get work in the more lucrative professions they faced widespread discrimination. Laws were passed which ostensibly protected women, based on a stereotype that women were too weak to do competitive work. For those who managed to find their way into management positions, the perceptions that they could not cope with leadership positions, that they were not feminine enough, or too feminine, existed as real barriers. Sexual harassment in the work place reinforced these barriers. In the United States, an accountant at Price Waterhouse in Washington D.C., called Ann Hopkins², was due for partnership. She was refused it on the grounds that she was “overbearing, arrogant, and abrasive” and that she was not sufficiently feminine. One partner suggested that she attend charm school, that she learn how to wear makeup and jewellery. She sued claiming that sexual stereotyping had resulted in unfair gender discrimination. She won in the United States Supreme Court and she was made partner at Price Waterhouse. But, she won at the cost of several law suits, her husband who left her, and the health of one of her three children. Was it worth it? I believe that she thought it was, not just for her but for millions of other women who benefitted from her courage. But in her case, gender perceptions had a real economic consequence. She was denied a partnership.

You may have noticed that whenever we have a political crisis, the “perceptions” game flourishes. Whole communities, all people of one ethnicity, and entire religions or churches are accused of holding a particular political view. These perceptions are carefully created to incite hostility, to diminish the worth of individual thought and therefore of human dignity. It is wrong to stereotype any one race, or religion or gender. If there are false perceptions of a race or religion, then it is the duty of every citizen to fight those perceptions and to speak out against those who create, and propagate them in such an irresponsible manner.

Price Waterhouse v. Hopkins 490 O.S. 228 (1989)

If races or religions are prone to stereotyping so is gender. There are two main female stereotypes – one is of the strong, spiteful, manipulative woman who is ruthless about grabbing power. Hilary Clinton has been subjected to such a stereotype. Many women have been. The second stereotype is of the weak, emotional woman, irrational and driven by her hormones. In law, a picture emerges of the female offender which fuels this stereotype. The defence which developed in the 1970s, of pre-menstrual syndrome as an excuse for crime was based on a false belief that women at certain times of the month are unable to function rationally. Similarly women who kill their babies are often alleged to have done so because of mental illness as a result of childbirth. These defences, helpful though they might be for some offenders, fuel the stereotype of women being too weak to control their own bodies.

What are the consequences of these perceptions of women? The consequences are that women are devalued. A spiteful strong woman is as unreliable as a weak and emotional one. One type of woman needs to be controlled. The other needs to be protected. Neither type is suitable to be a senator, a prime minister, a judge or a company executive. After all, if we women are unable to control our hormones, who will give us responsible leadership positions?

My sister judge Madam Justice Scutt in a two volume publication³ refers to the perception of the woman in the legal system as the “incredible woman.” By the word “incredible” she does not mean wonderful. She means lacking in credibility, unreliable. And she is right. The law has entrenched the sexual stereotype of women being incapable of belief, through the law on rape, on indecent assault, on domestic violence. For over two hundred years we judges were telling assessors that women in sexual cases were not worthy of belief without independent evidence! This law has now been removed in Fiji, but the attitudes which gave rise to it in 19th Century England remain in our patriarchal society. Our laws entrench patriarchy. Women in sexual cases have a harder time than victims in other cases. The stereotyping exists to make things harder, to preserve the imbalance of power.

And so we understand why the perceptions were created, fostered and preserved. As I have said, the perceptions game has consequences.

Scutt Jocelyne A. “The Incredible Woman – Power & Sexual Politics”
Artemis Publishing 1997.

In Fiji, we have the added complication of culturally driven perceptions. In our traditional society we women are expected to conform to society's expectations. In the rural communities, women do not have the advantage of education and are not empowered to make changes.

The other important feature of culture and its relationship to gender is that our perceptions are driven by our cultural beliefs. A man of Indo-Fijian background has a culturally driven perception of how an Indo-Fijian woman should behave. This is fed also by the media, by the soaps on television and by Bollywood. Have you noticed how the heroine wears western dress before marriage and only saris after marriage? How her outspoken nature changes with marriage? How submissive she becomes towards her husband? In contrast an indigenous Fijian male would have different expectations of Indo-Fijian women. But he might have similar expectations in relation to indigenous Fijian women. So our perceptions of women's conduct is coloured by our cultural attitudes to each other. And we women are just as capable of gender bias as men are. After all, it is we who bring up our daughters.

Article 2(f) of the United Nations Convention on the Elimination of Discrimination Against Women requires States parties to take all appropriate measures "to modify, or abolish laws, customs and practices which constitute sexual discrimination." Article 5(a) requires States parties to modify social and cultural patterns of men and women and to eliminate "stereotyped roles for men and women."

In Fiji, we are heavily influenced by our traditions and customs. But that is not to say that they cannot be changed. That is why we no longer approve of female circumcision, or of the practice of sati – the burning of widows.

I believe that our customs should not become our chains. Instead, our cultural practices can be used as a strategy to effect change, and to correct false perceptions. Our traditional and religious leaders in my opinion have a moral duty to correct false perceptions about gender, religion and ethnicity. Sadly many perpetuate and propagate them instead. So it is we women who must work hard at partnerships with traditional leaders to correct this great wrong. So custom can become a vehicle for change for achieving equality. And custom thereby achieves a greater moral authority.

The first step to eradicating gender inequality through stereotyping, is to accept and understand that it exists. Clubs and organizations such as this one can play an important role in helping society to understand this truth.

Stereotyping any woman is wrong. There are strong men and strong women. There are principled men and principled women. There are weak men and weak women. Every human being deserves to be judged, not by other people's perceptions of their gender or ethnicity but by the quality of their work. People deserve to be judged on merit.

We cannot of course expect not to have any perceptions at all. However, I believe that we should be conscious always about how we are affected by them, and how they can have serious consequences for those around us. When we employ people, do we allow ourselves to be influenced by a false belief that women are unreliable employees? Or that Indo-Fijians are dishonest? And indigenous Fijians lazy?

I am a judge. I believe in evidence, cold hard evidence. I do not believe in perceptions. And I believe that every story has two or more versions which should be heard. The creation of perceptions about gender, race and religion is an act of the marginalization of social groups.

And if any group has suffered from such marginalization and disempowerment, it is women. Excluded from studying medicine, excluded from the law, subjected to ridicule and harassment, it is a miracle that women survived this economic battle at all. But survive we did. And we are growing in numbers in the work force, enriching it and lending to it all the individual qualities and experiences which society has given us.

But the battle is not over. The greatest battle is with ourselves. No sooner have we moved into a new office, ready to work hard, the new perceptions game starts. Which type of woman are you? Are you the strong, spiteful type? Or the weak, irrational type? If we speak out at office meetings we are cunning, spiteful trouble makers. If we remain silent, we are weak, stupid and useless. We cannot win. So what we do is try to prove that we are not strong and spiteful and remain silent. When we are silent, we try to prove we are not weak and useless, and speak when we really don't need to. Or we work extra hard to prove ourselves. Often women become "one of the boys"

so determined are they to prove that they are no different from men. The result is that we do not remain true to ourselves, so influenced are we by other people's perceptions of women and so determined are we to prove those perceptions wrong. This must be wrong. Why should our conduct be determined by what other people think?

Every woman must carry her own cross in her own way. What works for me is to acknowledge that no matter what I do, I will always be judged by one of these perceptions of what women are. Or what Indo-Fijians are. Or what Muslims are. What works for me is to do what I think is right, in the way I think is right, and to take the consequences. After all, as I said earlier, if I am to live dogged by controversy, I might as well be motivated always by my own conscience.

The answer is to be aware that we are the victims of these false perceptions, to take every opportunity to express the view that they are false, but to live our lives not trying to prove the perceptions wrong, but to live them with our heads held high, and according to our conscience. And always to judge others by merit and by the quality of what they say or do.

Peter denied Jesus three times. "I do not know him", three times. When we judge others, especially our friends, on the basis of their ethnicity, when we rely on false perceptions of their religion or gender, we deny them. Not once, not three times but a thousand times. We deny them their humanity. Peter paid for his denial by his own crucifixion. We pay for our denials of each other by the destruction of our own society. If the Soroptimist Club is to stand for anything, it must stand for equality, humanity and dignity for all men, women and children in Fiji.