

**BEYOND MULTICULTURALISM:  
A DELIBERATIVE DEMOCRATIC APPROACH TO  
'ILLIBERAL' CULTURES**

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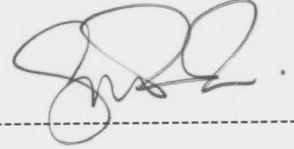




## DECLARATION

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I declare that this thesis is the product of my own independent research. It contains no material which has been accepted for any other degree or diploma, or any copy or paraphrase of any other person's material except where due acknowledgement is given.



Muzaffer Selen Ayirtman Ercan

13.09.2012

(date)

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*Selen Ayırtman Ercan  
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## ABSTRACT

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This thesis explores the shortcomings of liberal democracies in responding to illiberal cultures and deep disagreements in multicultural societies, and argues that if suitably amended, the deliberative democratic approach offers the best framework for addressing the ‘problem’ of illiberal cultures. It begins with a critique of the mainstream deliberative democratic approach which fails to include illiberal cultural claims in public deliberation, and suggests expanding this approach by drawing on the insights provided by agonistic pluralism. Drawing on the work of William Connolly in particular, this thesis develops a deliberative framework for assessing and improving the deliberative quality of public debates on ‘illiberal’ cultures.

In specific terms, this thesis argues that enhancing the deliberative quality of public debates on ‘illiberal’ cultures depends on three important criteria, conceptualised as: i) expanded inclusion based on agonistic respect, ii) interaction among multiple publics, and iii) influence of counterpublics on formal decision-making bodies. Having established these ideals, this thesis examines recent public and policy debates on ‘honour killing’ in two culturally plural societies, Britain and Germany. This analysis reveals that although both Britain and Germany are consolidated liberal democracies, the differences in their institutional settings lead to the emergence of different kinds of public deliberation on the issue of ‘honour killing’. It shows that achieving high deliberative quality and securing it over time is a constant challenge for liberal democracies. Besides the presence of an institutional structure enabling inclusion and interaction, deliberative quality depends on discursive legacies, and on established notions of what makes sense and whose voice is considered reasonable and legitimate in a given society. The deliberative quality of public debates entailing illiberal cultures seems to be significantly higher in democracies characterised by the presence of strong and vocal counterpublics and where these counterpublics are acknowledged as legitimate participants in meaning-making processes over contested issues.

Based on a comparison of the same issue in two democracies, this thesis reveals two key messages for deliberative democrats and scholars of multiculturalism. First, it shows that deep disagreements are neither irreconcilable nor reconcilable; they gain different meanings depending on the socio-political context in a given society. Related to this, it points out that deliberation on deep disagreements may fail, not due to the ontological essence of these disagreements, but due to the lack of agonistic respect toward illiberal cultures. It shows that when based on the principle of agonistic respect, deliberation has the capacity to reveal unexpected affinities between the members of minority and majority cultures. Second, the thesis demonstrates that adversarial democracies and their pluralist political structures, which are commonly deemed unsuitable for deliberation, may hold much potential for deliberation across difference if they feature the elements of ‘new pluralism’ characterised by a sustained web of interaction among multiple publics.

## ABBREVIATIONS AND ACRONYMS

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<b>ACPO</b>	Association of Chief Police Officers of England, Wales and Northern Ireland
<b>BME</b>	Black, Minority, and Ethnic
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>CDU</b>	Christian Democratic Union ( <i>Christlich Demokratische Union</i> )
<b>CIMEL</b>	Centre of Islamic and Middle Eastern Laws
<b>CPS</b>	Crown Prosecution Service
<b>CSU</b>	Christian Social Union ( <i>Christlich Soziale Union</i> )
<b>DB</b>	German Parliament ( <i>Deutscher Bundestag</i> )
<b>DIK</b>	German Islam Conference ( <i>Deutsche Islam Konferenz</i> )
<b>DITIB</b>	Turkish-Islamic Union for Religious Affairs ( <i>Turkisch-Islamische Anstalt für Religion</i> )
<b>EVAW</b>	End Violence Against Women
<b>FDP</b>	Free Democratic Party ( <i>Freie Demokratische Partei</i> )
<b>FGM</b>	Female Genital Mutilation
<b>FRG</b>	Federal Republic of Germany
<b>HOC</b>	House of Commons
<b>HOL</b>	House of Lords
<b>IKWRO</b>	Iranian Kurdish Women's Rights Organization
<b>INTERIGHTS</b>	International Centre for the Legal Protection of Rights
<b>IRD</b>	Islam Council of the Federal Republic of Germany ( <i>Islamrat für die Bundesrepublik Deutschland</i> )
<b>KRM</b>	Coordinating Council of Muslims in Germany ( <i>Koordinationsrat der Muslime in Deutschland</i> )
<b>KWAHK</b>	Kurdish Women's Action Against Honour Killing

<b>LIB</b>	Liberal Islamic Foundation ( <i>Liberal Islamischer Bund</i> )
<b>MCB</b>	Muslim Council of Britain
<b>MPS</b>	Metropolitan Police Service
<b>NDPB</b>	Non-Departmental Public Bodies
<b>NGO</b>	Non-Governmental Organization
<b>SBS</b>	Southall Black Sisters
<b>SPD</b>	Social Democratic Party ( <i>Sozialdemokratische Partei Deutschlands</i> )
<b>TBB</b>	Turkish Union in Berlin-Brandenburg ( <i>Türkische Bund Berlin-Brandenburg</i> )
<b>VAW</b>	Violence Against Women
<b>VIKZ</b>	Association of Islamic Cultural Centres ( <i>Verband Islamischer Kulturzentren</i> )
<b>WNC</b>	Women's National Commission
<b>ZMD</b>	Central Council of Muslims in Germany ( <i>Zentralrat der Muslime in Deutschland</i> )

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## Chapter 1

### Introduction: 'Failed multiculturalism' and its alternatives

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'Multiculturalism has utterly failed.' This was the message German Chancellor, Angela Merkel, delivered at a youth conference of the Christian Democratic Union (CDU) in Potsdam in October 2010 (*Süddeutsche Zeitung*, 16.10.2010). She asserted that the idea people from different cultural backgrounds can live happily 'side by side' simply did not work and called on immigrants 'to do more' to integrate into German society. This diagnosis about the 'death of multiculturalism' was certainly not confined to Germany. Soon after Merkel spoke, the British Prime Minister, David Cameron, shared the same message in his speech at an international security conference in Munich in February 2011. He also declared that multiculturalism has failed and emphasised the need for replacing the 'passive tolerance' of multiculturalism with what he called a 'muscular liberalism'. This requires, he argued, the active promotion of certain values to counteract extremism and discourage separate cultures living 'parallel lives'. He suggested that if Muslim groups fail to endorse women's rights or promote integration, government agencies should 'refuse to share platforms or engage with them'. These groups should simply be denied access to public funds and barred from spreading their message in public (*BBC News*, 05.02.2011; *The Independent*, 05.02.2011).

The high-profile statements of Merkel and Cameron have been the most recent, but not the first, interventions declaring the 'death of multiculturalism'. In other words, multiculturalism did not die suddenly in Europe, 'it died rather slowly' (Vertovec and Wessendorf, 2010). The diagnosis indicating the end of multiculturalism began to gain currency both in Europe and the Anglophone West as a result of a series of events including the attacks of 9/11 in 2001, the murder of Theo van Gogh in the Netherlands and Madrid train bombing, both in 2004, and the 2005 bombings in London. All these events resulted in the rise of heated debates about the place of Islam in a liberal society. In both Europe and the Anglophone West, the debates fed into the perceptions of multiculturalism as encouraging 'home grown terrorism' and 'maltreatment of women'. This scepticism resulted in a widespread turn against multiculturalism in many countries. Indicative of this trend, in 2008 the Council of Europe noted in its White Paper on Intercultural Dialogue that 'old approaches to the management of cultural

diversity were no longer adequate' (Council of Europe, 2008:9). It reported a predominant concern among European states that 'what had until recently been a preferred policy approach, conveyed in shorthand as "multiculturalism", had been found inadequate' (Council of Europe, 2008:9). In the absence of any alternative approaches for accommodating cultural diversity, this meant for most democracies a departure from multiculturalism back to assimilation (Brubaker, 2001; Joppke, 2004). In many countries, notions of 'national identity', 'belonging', and 'social cohesion' began to replace the discourse of multiculturalism. In recent years, this trend has been observable not only within European countries, some of which were originally hostile to immigration, but also in traditionally immigrant-receiving countries such as Australia and Canada.

The most striking aspect of the recent multiculturalism debate has been the agreement it has generated between traditionally opposing voices and ideologies. This time, it is not only the members of anti-immigration conservative parties who have attacked multiculturalism; although for different reasons, seemingly more liberal and progressive individuals and groups too have begun to scrutinize the state of multiculturalism in culturally plural societies. What has brought these two camps under one common denominator and encouraged them to question the adequacy of multicultural solutions has been the increased visibility of illiberal cultures and the threats (both imagined and real) such cultures pose to culturally plural societies.

Although lacking a canonical definition, illiberal cultures are commonly defined as communities which are 'far from enabling autonomy' of their members and which violate the liberal principles of individual freedom and equality (Rosen, 2002:804). The treatment of women and girls in such cultures—most notably the practices of wearing burkas, forced marriage, and 'honour killing'—is usually depicted as the most defining feature of illiberal cultures and the manifestation of the deep divides between their culture and the culture of the 'host society'. In liberal democracies, illiberal cultures are often associated with 'risk and uncertainty' and defined in shorthand as problem-cultures which are 'in need of modification and fixating but also difficult to modify or fix' (Mouritsen, 2008:5). In most cases, addressing illiberal cultural practices without imposing liberal values on cultural minorities or stereotyping them has proved to be highly difficult (Phillips and Saharso, 2008). The context of failed multiculturalism and the absence of any viable alternative have eventually encouraged governments to confront the members of illiberal cultures with 'love it or leave' types of solutions.

This thesis aims to problematise such solutions and explore alternative ways of responding to illiberal cultures and the disagreements they cause in culturally diverse societies. The overarching question of this thesis is thus a normative one: *How should liberal democracies respond to illiberal cultures? Is it possible to respond to illiberal cultures without stereotyping them or imposing liberal values on them?*

I rely upon the insights of deliberative democracy to answer this question and draw out the ways in which this approach would differ from prevailing strategies of accommodating cultural diversity and resolving cultural conflicts. In addition, I undertake an empirical study of illiberal cultural practices in contemporary multicultural societies by focusing on the practice of ‘honour killing’ and the controversies it spawns in Britain and Germany.

### **1.1. A deliberative approach to illiberal cultures and deep disagreements**

‘The core idea of deliberative democracy’, Amy Gutmann and Denis Thompson (1996:1) argue, ‘is simple: when citizens or their representatives disagree morally, they should continue to reason together to reach mutually acceptable decisions’. This holds also for the resolution of cultural disagreements in multicultural societies. In fact, deliberative democracy is claimed to offer ‘the most adequate conceptual and institutional framework’ for societies characterised by cultural, ethnic and religious pluralism (Benhabib, 1996a:6).<sup>1</sup> This claim is based upon the numerous advantages of this approach over others in the context of culturally plural societies. Various scholars have argued, and some have empirically shown, that deliberation helps resolve cultural conflicts (Deveaux, 2003; 2006); empower members of cultural minorities (Mayo, 2004); enhance cross-cultural cooperation (Bohman, 1996), promote mutual understanding (Gutmann and Thompson, 2004) and social learning across conflicting groups (Kanra, 2009); and generate democratically legitimate outcomes even in the face of the toughest moral disagreements (Gutmann and Thompson, 1996).<sup>2</sup> Deliberative decision-making process ensures that cultural minorities have ‘a lasting effect on policy outcomes’, as on this account decisions are made not only by counting votes but also by sharing reasons (Williams, 2000:125).

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<sup>1</sup> For similar accounts asserting the superiority of a deliberative democratic approach in culturally diverse societies, see also Bohman (1995); Deveaux (2006); Gutmann (2003); James (2004); Williams (2000); Young (2000).

<sup>2</sup> ‘By making democracy more deliberative’, Gutmann and Thompson (1996:51) argue, ‘citizens stand a better chance of resolving some of their moral disagreements, and living with those that will inevitably persist, on terms that all can accept’.

Generally speaking, deliberative democrats agree that the best way to resolve culturally contested issues is to provide cultural minorities with the opportunity to articulate and justify their concerns in public forums. Nevertheless, they disagree over the rules of engagement and the scope of deliberation in such forums. The divisions among various deliberative democrats become particularly visible when it comes to the question of whether deliberative forums should offer a platform for engaging with illiberal cultures and for resolving seemingly irreconcilable differences between these cultures and the majority culture.

The vast majority of deliberative democrats believe that the search for deliberative solutions should stop when cultural demands violate liberal values (see for example, Gutmann, 2003; Gutmann and Thompson, 1996; Quong, 2002; Valadez, 2001), or when conflicts at hand prove to be irreconcilable (see, for example, Bennett, 2007; Cooke, 1997; Erman, 2009). Amy Gutmann (2003:43), for example, argues that only those claims that defend the principles of ‘equal freedom, opportunity and civil equality’ can be subject to public deliberation. Similarly, Seyla Benhabib asserts that norms governing the procedures of deliberation cannot be neutral; they should be in line with the fundamental principles of liberalism. This means that the claims put forward in the course of public deliberation should comply with the principles of universal human rights, respect for persons, justice and egalitarian reciprocity (Benhabib, 1992:45-46). When seen from this rather mainstream deliberative perspective, deliberative solutions seem to be pertinent only in cases where cultural claims meet the terms of fundamental individual rights and where conflicts between cultures prove to be ‘principally reconcilable’. If we follow the presuppositions of the mainstream deliberative approach, deliberative democracy has nothing to offer in the face of illiberal cultural claims, especially if such claims entail ‘irreparable harm’ to members of cultural communities (Quong, 2004:49).

In this thesis I follow a different path and argue that if amended, the deliberative democratic approach offers the best framework for engaging with illiberal cultures. The most important amendment I suggest is to see defenders of illiberal cultural practices as legitimate participants in public debates and deliberation. I develop this approach based on the insights provided by various democratic theorists—both deliberative and otherwise, including John Dryzek, Monique Deveaux, William Connolly and Nancy Fraser—and through a close examination of the ‘honour killing’ debates in Britain and Germany. Let me briefly explain what these scholars suggest and how I combine their

insights to develop a comprehensive deliberative approach to illiberal cultures and the deep disagreements they cause in culturally plural societies.

To start, following Dryzek (2000), I understand deliberation in broad terms ‘as contestation of discourses in the public sphere’. The existing literature defines this approach commonly as a ‘macro’ deliberative approach in contrast to a ‘micro’ deliberative approach (Dryzek, 2010a; Hendriks, 2011; Parkinson and Mansbridge, 2012 ). The main difference between these two approaches is that whilst micro theories of deliberative democracy tend to focus on deliberation in relatively small groups in structured and formal deliberative forums (such as citizens’ juries and deliberative polls)<sup>3</sup>, the macro theories draw our attention to the discursive side of democracy that is the argumentation and contestation that takes place within the broader public sphere (see for example, Benhabib, 1996b; Chambers, 2009; Dryzek, 2000; Habermas, 1996; Mansbridge, 1999; Parkinson and Mansbridge, 2012 ). The macro-deliberative theorists are interested in ‘the ebb and flow of public debate carried on in the media, in private conversations, in formal and informal settings, from pubs to parliaments and back again’ (Parkinson, 2004:380).

By adopting a macro-deliberative approach, I do not mean to deny the importance of structured forums such as committees of inquiry or public consultations which are usually, but not always, created by government agencies to resolve the contested issues at hand. Culturally plural societies can obviously benefit from such forums. If designed carefully, structured forums can facilitate a better understanding of the debated issues and help alleviate the disagreements between minority and majority cultures. The existing literature provides numerous insights, both normative and empirical, in terms of how such forums should look like in the face of cultural diversity, where they should take place, who should participate in them and on which terms (see, for example, Deveaux, 2003; Eisenberg, 2009; Oman, 2004; von Lieres and Kahane, 2007; Walsh, 2007; Williams, 2000; Young, 2000). Among them, Deveaux’s approach merits particular attention as she offers the most extensive treatment of cultural conflicts to date from the perspective of deliberative democracy. Given this, when defining the conditions under which structured can contribute to strategies of addressing illiberal cultural claims, I have built upon the insights she provides.

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<sup>3</sup> For examples of such deliberative forums, see Fishkin (2009), *Issues Deliberation Australia/America* (2007)

Deveaux challenges the normative assumptions of the mainstream deliberative approach and argues that deliberation can help resolve cultural conflicts if it focuses on the conflicting interests rather than the conflicting identities of the participants (Deveaux, 2006:101-5). This argument stems mainly from her understanding of intercultural conflicts. According to Deveaux, intercultural conflicts are often about the strategic interests of factions of cultural communities rather than about deep differences of value between different cultures. She thus suggests shifting the focus of deliberative efforts from the intercultural to the intracultural dimension of those conflicts (Deveaux, 2003; 2006). The strength of this proposal lies in its rejection of an essentialist notion of culture which views cultures as unified homogenous entities. Building upon Deveaux, I argue that structured forums can help resolve cultural conflicts if they provide a space for conflicting interpretations of culture and help reveal intracultural differences that exist within cultures.

Deveaux's focus on intracultural differences is not the only point that makes her approach appealing for the deliberative perspective I develop in this thesis. I find her attempt to incorporate illiberal cultural claims in the deliberative democratic approach equally important. In contrast to the mainstream deliberative democrats discussed above, Deveaux rightly argues that we cannot rule out some claims prior to deliberation just because they are at odds with liberal principles. If such claims are crucial in the dispute, 'they need to be put on the table where they can be discussed, evaluated, and contested' (Deveaux, 2006:220). Yet while making this claim, Deveaux relies on 'a purely procedural account of democratic deliberation' (Baumeister, 2009) and avoids engaging with a series of questions that may invite her to take a more substantial approach to deliberation. She thus provides little guidance in terms of how we should envision a dialogical engagement with illiberal cultures, what we should expect from such engagements, and perhaps more importantly how we should ensure that the inclusion of illiberal groups in public deliberation does not intensify the existing conflicts between minority and majority cultures. With regards to the last point, there is ample evidence in the existing literature showing that in culturally polarised settings, dialogical attempts can easily exacerbate rather than alleviate cultural conflicts (see, for example, Bennett, 2007; Sanders, 1997; Wikan, 2002b:160; Yuval-Davis, 1997b:205). As such, any suggestion to include illiberal cultural claims in public deliberation should remain attuned to such dangers.



At this point, I draw on the insights offered by the theory of ‘agonistic pluralism’ which is a stream of democratic theory that starts from the view that conflicts in pluralist societies are inevitable and aims to offer a constructive way of engaging with these conflicts. I show that there are important parallels between the aspirations of the deliberative theory I defend and agonistic pluralism. I am aware that at first glance, bringing these two approaches together may appear contradictory as the existing literature tends to present deliberative democracy and agonistic pluralism as mutually exclusive alternatives (see for example, Little, 2007; Mouffe, 1999; Norval, 2007).<sup>4</sup> Agonistic pluralists fiercely distance themselves from deliberative democracy which, they argue, eradicates the differences between conflicting groups in the name of achieving consensus (Mouffe, 2000a; 2000b). In establishing this argument, agonists usually attribute a false unity to deliberative democracy and treat it as a singular entity. In this thesis, I show that neither deliberative democracy nor agonistic pluralism constitutes a theoretical unity or adheres to a single project. Indeed, in the chapters that follow, I distinguish between three different streams of deliberative democracy—the Rawlsian, the Habermasian and the pluralist streams—and show that cross-fertilization between the pluralist variant of deliberative democracy and agonistic pluralism is both possible and desirable. In making this claim, I draw on the theory of agonistic pluralism as developed by William Connolly (2002; 2005) and argue that Connolly’s concept of ‘agonistic respect’ fills an important gap in deliberative theory and offers a useful medium for facilitating democratic engagement in the face of illiberal cultural claims and deep disagreements. Agonistic respect refers to a mode of political engagement in which liberalism is not treated as a dogma; rather, it is rooted in the principle that says ‘always listen to the other side’ (Tully, 1999:174).

## **1.2. From normative theory to empirical inquiry: Research methods**

As deliberative democrats themselves admit, moving from theory of deliberative democracy to its practice is not without difficulties (Chambers, 1996; 2003; Dryzek, 2007; Parkinson, 2006; Thompson, 2008a). One difficulty, as already argued, is that deliberative democracy is not a unified theory. As Diana Mutz (2008:525) critically observes, ‘it may be fair to say that there are as many definitions of deliberation as there are theorists’. In the chapters that follow, I overcome this difficulty by distinguishing

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<sup>4</sup> For counter arguments and a broader discussion on the compatibility of deliberative democracy with agonistic pluralism, see Brady (2004); Dryzek (2005); Erman (2009); GURSOZLU (2009); Knops (2007); Schaap (2006).



between different variants of deliberative democracy and focusing on those variants that hold the most promise in the face of cultural diversity.

When moving from a theory of deliberation to its practice, another difficulty is posed by the normative nature of the deliberative democratic approach. Deliberative democracy is not simply an additional theoretical model of democracy that can be verified or falsified based on an empirical inquiry. Rather it offers a set of normative criteria upon which the actually existing democracies and democratic practices can be analysed, criticised and improved. Deliberation already occurs in all societies and cultures, albeit in imperfect forms. Deliberation is thus not an all-or-nothing affair, but a matter of degree; societies vary in their capacity to foster or hinder the normative ideals of deliberative democracy. Given this, while proceeding from theory to practice, it is misleading to start with the question 'Does deliberative democracy work?' as some scholars do (see, for example, Conover et al., 2002; Ryfe, 2005). When proceeding from a normative theory, questions of 'feasibility' or of 'fittingness' lead only to a reification of the status quo resulting usually in an 'empirically informed pessimism' (Stears, 2005:326) Rather than verifying or falsifying the normative presumptions of deliberative democracy, the task of normatively informed empirical research should be to 'help in the refinement of deliberative democratic theory, making it more sensitive to real-world constraints and opportunities'(Dryzek, 2007:240). With this in mind, the empirical research undertaken in this thesis does not aim to falsify the normative assumptions of deliberative democracy; rather it aims to refine the conditions that are conducive to the deliberative treatment of deep disagreements in multicultural societies.

While proceeding from normative theory to empirical inquiry, I employ what Joseph Carens (2000; 2004) calls a 'contextual approach to political theory'. This approach suggests confronting the abstract ideas with concrete cases by way of inquiring into the relationship between theoretical views and actual problems and debates in political life. The contextual approach to political theory can be understood as a two-way process between theory and practice; the theory offers a framework, a window through which the case studies can be interpreted, and the case studies help to push normative theorising forward by raising possibilities for constructing, challenging, and revising it. As Carens (2004:123) puts it, '[t]he idea is to engage in an ongoing dialectic that involves mutual challenging of theory by practice and of practice by theory'. Following this methodology, my aim in this thesis is to contextualise the theoretical ideas on the

basis of 'real-life' examples and revisit the theory based on the insights gained from these examples.<sup>5</sup>

### **1.3. Illustrative case studies: 'Honour killing' debates in Britain and Germany**

As examples of illiberal cultural claims and the deep disagreements, I examine cases of so-called 'honour killing'<sup>6</sup> in multicultural societies with a particular focus on the debates they have spawned in Britain and Germany. I choose to focus on these murders as they present the most extreme example of culturally controversial practices; nowhere does the depth and seriousness of cultural differences appear more evident than in the cases of 'honour killing'. 'Honour killing' is the murder or attempted murder of young women by family members on 'cultural grounds' for behaviour said to offend the principles of community honour.<sup>7</sup> In culturally plural societies, 'honour killing' is usually depicted as emblematic of bigger issues such as the presence of deep differences between minority and majority cultures, the incompatibility of minority and majority life styles (Grillo, 2008), the failed integration of immigrants in liberal societies (Beckett and Macey, 2001), and the oppression of women in traditional cultures (Phillips and Saharso, 2008).

The example of 'honour killing' presents a useful vehicle for rethinking the central assumptions of the mainstream deliberative democratic approach and helps identify what needs to be amended for this approach to offer an alternative way of responding to illiberal cultural claims. When seen from a deliberative perspective, the most striking aspect of the 'honour killing' cases concerns the seeming impossibility of deliberation between advocates and opponents of these murders. In multicultural societies, these cases usually lead to a polarization which may be defined as the process through which an extremely diversified public is coalesced in two mutually exclusive groups (King and Anderson, 1971:244). Polarized debates often delineate the issues at hand in a bi-polar way by drawing a line between two simple answers and asking people to take a stand on

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<sup>5</sup> For examples of scholars employing a similar political theory approach, see Deveaux (2006); Galeotti (2002); Saharso and Lettinga (2008); and Song (2007).

<sup>6</sup> Throughout this thesis, I use quotation marks around the term of 'honour killing' to indicate the contested nature of this concept and to acknowledge the ongoing activist and academic debates on the overall utility of the term. For examples of these debates, see Sen (2005) and Meeto & Mirza (2011).

<sup>7</sup> In the existing literature, 'honour killing' is usually dealt with under the broader category of 'honour-based violence' (see, for example, Reddy, 2008). Killing is obviously not the only crime committed in the name of honour, but it is the most violent. Other examples of honour-based violence include forced marriage, sisters and daughters being sold into slavery, and female genital mutilation. In this study, I focus solely on murder as it presents the most extreme form of honour-based violence.

one side of the line or the other (Becker et al., 2003:183). In the case of ‘honour killing’, this goes hand in hand with the stigmatization of entire immigrant communities as inclined to criminal practices (Ewing, 2008; Gill, 2006; Hellgren and Hobson, 2008; Wikan, 2002a), and the ‘crystallization of boundaries’ making any type of boundary crossing or boundary blurring difficult, if not impossible (Zolberg and Woon, 1999:9). The two sets of voices, one condemning ‘backward’ cultures, the other defending them, appear to have no ground in common on which a meaningful conversation between them might take place (Sen, 2005:52).

In this thesis, I take the polarised setting coalescing around the issue of ‘honour killing’ as my starting point and examine the ways in which liberal democracies deal with such settings. In doing so, I adopt a comparative approach rather than focusing on a single country and compare the ‘honour killing’ debates in two culturally plural democracies: Britain and Germany. A comparison of the same issue in two countries proves to be the most effective way for showing how variations in the debates and the proposed solutions are embedded in the specific political context of a given country.

I focus on the British and German ‘honour killing’ debates because of both their similarities and differences. With respect to the former, in both countries ‘honour killing’ became a topic of public controversy around the same time—in Britain in 2003 after the murder of Heshu Yones, and in Germany in 2005, after the murder of Hatun Sürücü. This occurred in both countries against a similar socio-political background which was characterised by ‘failed multiculturalism’. Yet at the same time, there are sufficient differences between the British and German ‘honour killing’ debates to make their comparison from a perspective of deliberative democracy particularly instructive. While both countries have faced similar kinds of challenges in addressing ‘honour killing’, they have taken substantially different routes in responding.

Although polarization was a common feature of both debates at the beginning, the way the debates developed was very different. Britain saw the transformation of a *polarised* debate into a *pluralised* debate. Here, the discursive interactions between government agencies and feminist counterpublics and among various counterpublics have led to the emergence of alternative problem definitions of ‘honour killing’, breaking the rigid divide between ‘them’ and ‘us’. I will present these problem definitions shortly. In contrast to these developments, in Germany, the issue of ‘honour killing’ has always been framed as a culturally specific type of murder and debated in polarised terms that

intensify the antagonism between minority and majority cultures. These differences between the British and German ‘honour killing’ debates provide illuminating insights for understanding the conditions required for a deliberative treatment of deep disagreements. In addition, and more practically, I chose to focus on these two countries as I am fluent in the languages of both.

#### 1.4. Judging the deliberative quality of ‘honour killing’ debates

There is no standard way to judge the deliberative quality of public debates from a macro-deliberative perspective. The existing literature defines the success criteria for deliberation at the macro-level in different ways based on a different set of normative criteria (see, for example, Chambers, 1996; Dryzek, 2010a; Fennema and Maussen, 2000; Parkinson and Bavister-Gould, 2009).<sup>8</sup> Despite their various differences, however, for those who adopt a macro-deliberative approach, the work of Jürgen Habermas and particularly his notion of the public sphere remains an unavoidable reference point.<sup>9</sup>

Habermas argues that the public sphere can best be understood as a ‘network for communicating information and points of view’ generating public opinions (Habermas, 1996:360).<sup>10</sup> In this view, the public sphere is neither an institution nor an organization with clearly defined boundaries; it is a broad ‘*public conversation... of mutually interlocking networks and associations of deliberation, contestation and argumentation*’ (Benhabib, 1996b:74 [emphasis in original]). The structured deliberative forums certainly have a place in this broad and ‘unregulated’ conversation, but ‘they do not represent the ‘microcosms of the public sphere’ (Chambers, 2009; Warren, 2006:172). In this context, adopting a macro-deliberative approach means looking beyond the potential of single forums to resolve contested issues and paying particular attention to broader public conversations taking place between various actors and sites including formal decision making institutions (such as legislators, courts and administrative

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<sup>8</sup> Some scholars, for example, suggest looking at how deliberative decision-making in structured forums translates into macro-political systems and examining whether and to what extent the outcomes of these forums shape broader debates in the public sphere (see, for example, Dryzek, 2010a:155-76; Goodin and Dryzek, 2006; Hendriks, 2011). Others focus solely on the deliberative quality of debates in the wider public sphere and pay little or no attention to the question of whether these debates are linked to decision-making structures (see, for example, Fennema and Maussen, 2000; Gerhards, 1997).

<sup>9</sup> Although Habermas does not define himself as a macro-deliberative theorist, his work presents one of the first versions of a macro-deliberative approach.

<sup>10</sup> According to Habermas (1996:359), the core function of the public sphere is to ‘detect and identify’ social and political problems, ‘convincingly and *influentially* thematize them, furnish them with possible solutions, and dramatize them in such a way that they are taken up and dealt with by parliamentary complexes’ [emphasis in original].

processes), and a series of informal institutions including media, social movements and associations (Benhabib, 2002:121; Dryzek, 2009; Dryzek, 2010b:326; Mansbridge, 1999).

To evaluate the deliberative quality of public conversations and to know whether the process of public discussion is successful, we clearly need some sort of standard (Bohman, 1998:401-7). Building upon the insights offered by the existing literature, I judge the deliberative quality of the ‘honour killing’ debates in Britain and Germany in terms of their capacity to facilitate i) *inclusion* based on agonistic respect, ii) *interaction* among multiple publics, and iii) *influence* on formal decision-making institutions.

i) *Inclusion based on agonistic respect*

I argue that if deliberative democracy is to offer an alternative response to illiberal cultural claims, it should facilitate the inclusion of all viewpoints including those represented by illiberal cultural groups in the respective public and policy debates. Drawing on Nancy Fraser (1997), I suggest conceptualizing illiberal cultural groups and their discourses in terms of ‘subaltern counterpublics’ and argue that the principle of agonistic respect, as developed by Connolly (2002), offers the best medium to facilitate their inclusion in respective public and policy debates. While analysing the ‘honour killing’ debates in Britain and Germany, I distinguish between different kinds of counterpublics and ask whether and how they were included in these debates.

When applied to the case of ‘honour killing’, the condition of inclusion based on agonistic respect requires democracies to listen to the cultural claims advanced by illiberal groups. This, however, is not to suggest that courts should take cultural reasons seriously and prosecute murderers with more lenient sentences. It is important that courts operate according to the principles of justice and treat ‘honour killing’ as murder.<sup>11</sup>

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<sup>11</sup> Ensuring justice in cases of ‘honour killing’ is clearly very important, yet it is not the primary concern of this thesis. The primary concern of this thesis is the polarized debates the issue of ‘honour killing’ generates in the public sphere of culturally diverse societies. As such, this thesis does not offer a systematic analysis of the court decisions in cases of ‘honour killing’ from the point of view of justice. It instead highlights selected court decisions in Britain and Germany only in relation to their role in terms of shaping the broader public discourse on ‘honour killing’.

ii) *Interaction among multiple publics*

Based on a pluralist deliberative account (which I elaborate and further develop in chapters 2 and 3), I understand the public sphere in plural terms as composed of multiple sites which may or may not overlap. This alone, however, does not say much about the deliberative quality of a public sphere. A liberal understanding of a public sphere may also direct attention to the multiplicity of publics in the public sphere.<sup>12</sup> What distinguishes a deliberative public sphere from other types of public spheres is the emphasis it places on the condition of interaction among multiple publics. The criterion of interaction aims to ensure that multiple publics of a contested issue meet and become exposed to dissimilar views including those that are deemed to be dogmatic, intolerant and unreasonable. After mapping out the various publics and counterpublics of the 'honour killing' debates in Britain and Germany, I ask whether and to what extent these debates approximate the ideal of interaction.

iii) *Influence of informal deliberations on formal decision-making circles*

Finally, I evaluate the deliberative quality of 'honour killing' debates based on a criterion of influence. This criterion relies on an understanding of deliberation as encompassing both opinion formation and decision-making. Deliberation is not only about mere talk and opinion formation; it is also about what Dryzek (2009) calls 'consequentiality'. This simply means that to qualify as successful, 'deliberative processes must have an impact on collective decisions or social outcomes' (Dryzek, 2009:4). One particularly promising way of assessing the influence of deliberation on collective decisions is suggested by the scholars of framing theory (Bacchi, 2010; Benford and Snow, 2000; Fischer, 2003).<sup>13</sup> These scholars conceptualize social problems as constructs rather than givens and emphasise the role of framing contestations in public sphere for changing the terms of the debate at hand. In these contestations, each frame represents a specific problem definition calling our attention

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<sup>12</sup> For different accounts of public spheres in political theory, see Benhabib (1989); Ferree et al. (2002b); and Gerhards (1997).

<sup>13</sup> Similar to macro-deliberative democrats, the advocates of framing theory conceive public discourses as occurring in many different forums (rather than in a single forum) that interact with each other in complex ways (Gamson and Modigliani, 1989). These scholars suggest focusing on the frames used by government officials who are directly involved in decision-making roles, and frames employed by civil society actors who attempt to influence decision makers. Their interaction can be conceived as framing contestation, which in successful cases results in the transformation of the frames employed by government agencies.

to certain events and their underlying causes, and directing our attention away from others (Ferree et al., 2002a:14).

While judging the deliberative quality of ‘honour killing’ debates in Britain and Germany, I rely on empirical evidence from a variety of sources including: documents produced by government agencies (such as police reports, court verdicts, national plans and strategies, reports from government inquiries into ‘honour killings’ and written consultation responses); documents produced by civil society organizations and advocacy groups (such as strategy papers and campaign information from various women’s organizations); transcripts of parliamentary debates and motions on ‘honour killing’ which are consistently well documented in both countries; selected media coverage; and published academic research on the issue of ‘honour killing’. I use these documents to re-construct the ‘honour killing’ debates in Britain and Germany from a perspective of deliberative democracy and to evaluate the deliberative quality of these debates.

### **1.5. Discursive contestations over the meaning of ‘honour killings’**

I understand the debates on ‘honour killing’ as diffuse and collective ‘meaning-making processes’ to which various institutions (such as courts, parliaments and government agencies) and multiple counterpublics contribute equally. Drawing on the insights provided by the literature on framing, I identify the dominant and alternative frames of ‘honour killing’ employed by various publics in Britain and Germany. This analysis reveals three general trends in the framing of ‘honour killing’:

- i) *culture-based frames of ‘honour killing’* which define ‘honour killing’ as a culturally specific form of murder occurring only in traditional minority cultures and representing the deep differences between minority and majority cultures in multicultural societies;
- ii) *gender-based frames of ‘honour killing’* which mainstream ‘honour killing’ under the broader notion of violence against women (VAW)/domestic violence or represents it as a human rights violation, paying little or no attention to cultural motivations behind these murders; and



- iii) *hybrid frames of 'honour killing'* which employ the approach of intersectionality<sup>14</sup> and define 'honour killing' as an issue that sits at the intersection of culture and gender. In this view, honour killing is a violence against women that occurs predominantly in traditional immigrant communities.

This thesis shows that when seen from a deliberative perspective, the question of how 'honour killing' is framed gains particular importance. This is because each frame implies a different definition of the problem (diagnosis), a different solution (prognosis), and call for action (who is responsible for solving the problem) (Benford and Snow, 2000). This holds also for the dialogical solutions suggested by government agencies for tackling the issues raised by cases of 'honour killing'. Each frame suggests drawing different kinds of publics into consultation whilst ignoring others. The culture-based frames of 'honour killing', for example, construct the members of cultural minorities as the main interlocutors of the government. The gender-based frames of 'honour killing' emphasise the need for interacting with the actors of women's movements active in the prevention of VAW. In this thesis, I provide examples of both types of dialogical engagements and discuss their consequences from the perspective of deliberative democracy. I show that difficulties cannot be solved by employing an exclusively culture-based or an exclusively gender-based frame of 'honour killing'. As Purna Sen rightly (2005:50) argues in her discussion of the meaning of 'honour killing', 'to posit specificity that is flawed and that fails to see linkages is problematic; to deny specificity if it exists is also problematic'. Several scholars have noted that in order to tackle 'honour killing' effectively, it is important to take into account both gender and culture related aspects of these crimes (see, for example, Hellgren and Hobson, 2008; Korteweg and Yurdakul, 2010; Reddy, 2008). In this context, what I called 'hybrid frames' seems to offer the most compelling response to the issues raised by 'honour killing'. However, such frames are not given; they seem to emerge only in those

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<sup>14</sup> Intersectionality is a feminist approach which recognizes the importance of examining the intersection of multiple forms of discrimination and their root causes. The imaginary of crossroads developed by Crenshaw (2001, cited in Yuval-Davis, 2006:196) offers an illuminating example for understanding the meaning of intersectionality: 'Intersectionality is what occurs when a woman from a minority group ... tries to navigate the main crossing in the city. The main highway is 'racism road'. One cross street can be Colonialism, then Patriarchy Street. She has to deal not only with one form of oppression but with all forms, those named as road signs, which link together to make a double, a triple, multiple, a may layered blanket of oppression'. For the value and meaning of this approach within the contemporary feminist theory, see also, Davis (2008); Ferree (2012:224); and Yuval-Davis (2006).



societies where there is sufficient discursive interaction among the multiple publics of 'honour killing'.

A comparative analysis of the 'honour killing' debates in Britain and Germany reveals important differences. In Britain, hybrid frames of 'honour killings' have recently begun to emerge, alongside the gender-based frames. I relate this development to the fact that the British debate approximated the deliberative conditions described above, at least during the period of investigation between 2003 (that is when 'honour killing' became a new policy area in Britain), and 2010 when the current Coalition government (formed by the Conservative Party and the Liberal Democrats) came to power. In contrast to Britain, in Germany, culture-based frames have dominated the public discourse on 'honour killing' since the murder of the Turkish/Kurdish woman Hatun Sürücü in Berlin in 2005. The gender-based frames were present, but they were not as influential as they were in Britain and failed to change the terms of the 'honour killing' debate in Germany. I relate the ongoing dominance of culture-based frames in Germany to, amongst other factors, the lack of agonistic respect toward illiberal cultures and the lack of interaction among multiple publics.

#### **1.6. Same issue, different outcomes: What improves the deliberative quality?**

Based on a comparison of the British and German 'honour killing' debates, I argue that achieving a high deliberative quality and securing it over time presents a constant challenge for liberal democracies. Besides the presence of institutional structure enabling inclusion and interaction, the deliberative quality of public debates also depends on discursive legacies, on the established notions of what makes sense, and whose voice is considered reasonable and legitimate in a given society. Among these factors, differences in the institutional settings and political decision-making structures in Britain and Germany merit particular attention. Because these settings differ, so do the challenges of, and prospects for, the transformation of a polarised debate into a pluralised debate.

The classical literature on comparative politics characterises Britain as an adversarial (majoritarian) democracy, and Germany as a consensual democracy (Lijphart, 1999). Generally speaking, these two models differ from each other in terms of how political decisions are made. In adversarial democracies, political decisions are made based on a majority rule which is viewed as superior to both the rule of the minority and the right

of the minority to block the policy process (Dahl, 2000). Consensual democracies, in contrast, entail political arrangements that aim to achieve broad consensus among conflicting parties.<sup>15</sup> As such, consensual democracies usually feature strong corporatist elements. Corporatism is defined as a system of interest representation in which the state plays an active role in both intermediation between groups, and organizing, recognizing, and identifying what groups are to be included in the policy and decision-making processes (Adams, 2002).

Given these characteristics, scholars of deliberative democracy who discuss institutional questions usually argue that consensual democracies along with corporatist political systems offer a superior setting for public deliberation in politics and policy making (Mansbridge, 1992; Steiner et al., 2004). While adversarial democracies and the pluralist political structures they inhabit are defined as composed of interest groups working to maximize their interests in a political arena characterised by conflict, corporatism is claimed to promote deliberative activities oriented towards joint problem-solving and negotiation (Mansbridge, 1992).

Arguably, these observations may hold for the negotiation of conflicting *interests* in adversarial and consensual democracies. However, my analysis shows that when it comes to the negotiation of conflicting *identities*, and the resolution of culturally controversial issues such as ‘honour killing’, adversarial democracies have important advantages over consensus democracies. The deliberative potential of adversarial democracies such as Britain becomes particularly clear when deliberation is understood as a macro-political project and attention is directed to discursive contestations and coalitions in the boarder public sphere. Some scholars have rightly argued that when judging the deliberative potential of adversarial democracies, it is important to move away from a conventional understanding of pluralism which views society as composed of conflicting interest groups, and pay more attention to the emerging forms of pluralism characterised by new types of interaction between state and civil society actors, and among civil society actors themselves (Hunold, 2001; Schlosberg, 1999).

When seen from this perspective, adversarial democracies which are deemed unsuitable for the principles of public deliberation might actually hold important promises for a deliberative treatment of culturally contested issues and negotiation of identity differences. The British ‘honour killing’ debate shows that the alliances built among

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<sup>15</sup> For a comparison of adversarial and consensus democracies, see Mansbridge (1980:8-35).

various counterpublics led to the emergence of alternative problem definitions of ‘honour killing’; enriched what Cass Sunstein (2002; 2009) calls the ‘argumentation pool of a society’; and helped counteract the polarization caused by the issue of ‘honour killing’. In this context, one important message of this thesis is that when judging the deliberative quality of public debates in adversarial democracies, it is tremendously important to take into account the existing and emerging patterns of interaction between publics and counterpublics as well as those among counterpublics themselves.

In contrast to Britain, in Germany, the corporatist political structure and excessive focus on corporatist forms of representation hindered the emergence of cooperation across cultural divides. By failing to take intracultural disagreements and conflicting interpretations of culture into account, corporatist systems help sustain an essentialist understanding of culture leading to the exaggeration of cultural differences and the scale of value conflicts between cultures. Corporatist political arrangements rely on the presence of group representatives who have the right to speak for their culture and who are regarded as the authentic voice of *the* group (Phillips, 2007:168, my emphasis). States in corporatist political systems must usually seek out or create community leaders representing unified cultural groups. This usually results in a forced unification of inherently plural positions and viewpoints masking internal disagreements within each culture. I substantiate these claims by focusing on the example of the German Islam Conference (*Deutsche Islam Konferenz*), an ongoing dialogical initiative introduced by the German government first in 2006 to address various contested issues including ‘honour killing’.

### **1.7. The central aims and importance of this thesis**

The central aim of this thesis is to show that if suitably amended, the deliberative democratic approach offers the best framework for responding to the illiberal cultural claims and the deep disagreements such claims generate in culturally diverse societies. To this end, this thesis first engages with the shortcomings of the existing approaches including the mainstream deliberative approach in addressing the ‘problem’ of illiberal cultures. It then develops an alternative deliberative democratic framework based on the insights offered by the scholars of agonistic pluralism. In order to show the strength of the suggested framework in accommodating illiberal cultural claims and resolving deep disagreements, this thesis focuses on the ‘honour killing’ debates in Britain and

Germany. Finally, this thesis aims to assess and compare the deliberative quality of these debates based on a set of criteria it develops.

While fulfilling these aims, this thesis addresses a number of gaps in the literature on deliberative democracy, multiculturalism and ‘honour killing’. Turning first to its contributions to deliberative democracy debates, this thesis maps out the distinctions between different variants of the deliberative democratic approach in ways that have usually been glossed over and simplified, particularly by opponents of this approach. Furthermore, it shows that deliberative democracy is not a ‘counterfactual thought experiment’.<sup>16</sup> If amended, deliberative democracy offers the most compelling response to illiberal cultures and deep disagreements in multicultural societies. To amend the concept of deliberative democracy, this thesis draws on the insights provided by scholars of agonistic pluralism and shows how these insights can be incorporated in the theory and practice of deliberative democracy. This thesis connects the deliberative theory with ‘real-life’ disagreements and seeks to define the prospects for deliberation across difference in culturally polarised settings. In doing so, it also engages with questions of institutional design and offers tangible suggestions as to how liberal democracies can approach current controversies stemming from illiberal cultural claims.

Second, this thesis also adds to the literature on multiculturalism and cultural conflicts in many important ways. It distinguishes between three different approaches to accommodating cultural diversity and addressing cultural conflicts—liberal, multicultural and deliberative—and examines the shortcomings of the first two approaches in the face of illiberal cultures. In particular, it problematises the essentialist notion of culture and the narrow understanding of recognition inherent in the mainstream multiculturalist approach and seeks to address them by drawing on the insights provided by deliberative democracy.

Third, this thesis offers a new way of looking at ‘honour killing’ and the public and policy controversies it creates in culturally plural societies. In fact, this thesis presents the first investigation of these issues from the perspective of deliberative democracy. It provides a comprehensive overview of these debates by identifying how ‘honour killing’ is debated in various public arenas including parliaments, media and the wider public sphere.

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<sup>16</sup> I borrow this expression from Benhabib (1996b:84).

## 1.8. The outline of this thesis

This thesis is composed of seven chapters. Having laid out in this chapter, in very broad terms, the importance and central claims of this thesis, I move in chapter 2 to examine the existing approaches of accommodating cultural diversity and resolving cultural conflicts in three broadly defined categories: liberal, multicultural and deliberative. I argue that liberal and multicultural solutions contain several problematic elements: liberal solutions deny the significance of culture for individuals, groups and ultimately for democratic politics; multicultural solutions tend to exaggerate the primacy of culture in identity formation. I problematise the basic presumptions of these approaches and show that compared to these two approaches, the deliberative democratic approach has important advantages. Rather than defining the significance of culture in a top-down manner, the deliberative democratic approach suggests providing cultural minorities with the opportunity to articulate their own concerns in public forums. Although the presence of cultural groups in public forums is desirable for deliberative democrats, it also brings new types of challenges to be addressed. Deliberative democrats suggest various strategies for tackling these challenges. In chapter 2, I distinguish between three major variants of deliberative democracy—the Rawlsian, Habermasian and pluralist variants—and argue that the pluralist deliberative approach offers the most suitable framework for addressing claims and conflicts about culture.

In chapter 3, I lay out in concrete detail what a pluralist deliberative approach offers in the face of cultural conflicts. In doing so, I focus particularly on two variants of this approach as advocated by Dryzek and Deveaux and propose to build upon them. The deliberative accounts of these scholars complement each other in many important ways. Both scholars take the Habermasian notion of deliberative democracy as their starting point, yet expand on it differently. While Dryzek understands deliberation in macro-political terms as the contestation of discourses in the public sphere, Deveaux is concerned about deliberation in structured forums that are designed as part of the decision-making and conflict resolution processes in culturally plural societies. I discuss the deliberative solutions these scholars suggest for negotiating identity differences and resolving cultural conflicts. I show that despite their various strengths, these scholars fail to offer a deliberative democratic approach that is responsive to illiberal cultures and deep disagreements. I seek to develop such an approach by drawing on the theory of

agonistic pluralism as advocated by Connolly, and develop a set of normative criteria to evaluate the deliberative quality of public debates on illiberal cultures.

In chapter 4, I move to a contextual analysis of the ‘honour killing’ debates in Britain. I identify the socio-political context that brought the issue of ‘honour killing’ to surface; examine the parliamentary debates, the state-dialogues with affected communities and the nation-wide public consultations on the issue of ‘honour killings; and offer an analysis of the discursive contestations among illiberal counterpublics, feminist counterpublics and government agencies. I show where and how the multiple publics of ‘honour killing’ debates interacted and what resulted from these interactions. In chapter 5, I conduct a similar analysis of the ‘honour killing’ debates in Germany.

In chapter 6, I combine and compare the evidence from an analysis of ‘honour killing’ debates in Britain and Germany; evaluate the deliberative quality of these debates; and identify lessons that can be drawn from their comparison in terms of the deliberative treatment of deep disagreements in culturally plural societies. I explain the differences between the two debates by drawing attention to the differences between the political structures of Britain and Germany and in terms of the strengths of the counterpublics in the two countries. By drawing on these differences, I explain why some versions of a ‘problem’ appear and dominate in one place while remaining less problematised in another. I discuss the possible role of governments in transforming the difficult cultural conflicts into democratic moments. I show that deliberation on deep disagreements may fail not due to the ontological essence of these disagreements, but due to the lack of agonistic respect toward illiberal cultures.

Finally in chapter 7, I conclude this thesis by making some suggestions for further research and answering the main questions I posed here: *How should liberal democracies respond to illiberal cultures? What does a deliberative democratic approach offer? What are the conditions required for a deliberative treatment of illiberal cultures and deep disagreements?*

## Chapter 2

### Three approaches to claims and conflicts of culture: Privatisation, Protection, Deliberation

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The purpose of this chapter is to establish the foundations for the argument that deliberative democracy offers the most suitable framework for accommodating cultural diversity and resolving cultural conflicts. To this end, I examine the existing approaches to claims and conflicts about culture and explore the strategies they suggest under three broadly defined categories: liberal, multicultural and deliberative approaches. By examining these approaches separately, my aim is neither to suggest that they are mutually exclusive,<sup>1</sup> nor to deny that each of them exists in variety of forms.<sup>2</sup> I separate them for analytical purposes. Rather than providing an exhaustive overview of the various forms within the three approaches, I will focus instead on the basic components of each approach as represented by their most prominent advocates. In specific terms, I identify what it is that makes an approach liberal, multiculturalist or deliberative. In the existing literature these terms are used in many different ways and often conflated. My first aim is therefore to bring some conceptual clarity and define precisely what each of them has to offer in the face of cultural conflicts.

Secondly, I argue that a deliberative democratic approach offers the best framework for addressing claims and conflicts of culture. I show that liberal and multiculturalist solutions contain several problematic elements, starting with their conceptualization of culture.<sup>3</sup> While liberal solutions deny the significance of culture for individuals, groups and, ultimately, for democratic politics, multiculturalist solutions tend to exaggerate the primacy of culture in identity formation. My criticism of multiculturalism is not that it has gone too far and led to the emergence of ‘parallel societies’—an argument that has gained momentum in recent years in nearly all migrant receiving countries. Rather, I

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<sup>1</sup> Particularly in recent years, in the scholarly debates on multiculturalism, we observe that these three approaches are rather conflated with each other. We see, for example, that liberalism and its emphasis on equality is often used to justify multiculturalism (Kymlicka, 1995). Similarly the need for a deliberative approach is emphasised both by scholars of multiculturalism such as Young (2000) or Williams (2000) and by advocates of liberalism such as Miller (2002b).

<sup>2</sup> There are, for example, different varieties of liberalism as advocated by Walzer (1984), strong and weak forms of multiculturalism as shown by Baumeister (2003), or pluralist and unitary form of deliberative democracy as observed by Young (2000).

<sup>3</sup> Given my theoretical focus in this thesis, in this chapter I am interested in understanding and criticising liberalism and multiculturalism as theoretical constructs and not as applied policies in particular societies.



problematise some basic presumptions of this approach and try to offer remedies from a perspective of deliberative democracy. Arguably, the most important problem related to the dominant multiculturalist approach lies in its tendency to treat cultural identities as if they were ascribed, rather than contested, fixed rather than continuously changing. This is an important problem that needs to be addressed if we are to continue promoting some version of multiculturalism.

This chapter is divided into four main sections. In the first section, I will present the main features of a liberal approach to culture and cultural conflicts by drawing on the works of the famous liberal theorists such as Brian Barry, Chandran Kukathas and Susan Okin. In the second section, I will discuss the strengths and shortcomings of a multiculturalist approach in accommodating cultural diversity and resolving cultural conflicts by focusing on the theories of multiculturalism as advocated by various scholars including Charles Taylor, Will Kymlicka and Iris Young. In the third section, similar to the first two sections, I will present the core characteristics of the deliberative approach and identify the promises it holds in the face of cultural diversity. Lastly, in order to substantiate the deliberative democratic approach I defend in this thesis, I distinguish between three major variants of deliberative democracy—the Rawlsian, Habermasian and the pluralist variants—and argue that the pluralist deliberative approach offers the most suitable framework for addressing claims and conflicts about culture.

### **2.1. The liberal approach: Privatisation of culture**

There are several contested interpretations of a liberal approach. At its core, however, a liberal approach takes individual freedom as its starting point and views politics based on group interests or identity as potentially in conflict with individual freedom. Liberalism gives no independent weight to cultural membership and demands equal rights of citizenship for all individuals regardless of their ethnic and cultural attachments. On this account, individuals are understood to be equal in the sense that no one might claim to be morally more significant than any other. Liberals assert the need to protect the rights and freedoms of individuals against the claims of cultures. In the face of cultural heterogeneity, liberals tend towards solutions that distinguish the public from the private sphere and relegate issues concerning one's culture to the latter. They maintain that privatisation of culture is the best way to deal with the 'problem' of cultural heterogeneity. This strategy aims to secure the neutrality of the state and the



public sphere toward group identities which may potentially be divisive (Jung, 2001:221).

Although most liberals agree that individual freedom is the basic principle of liberalism, they have different views on what a liberal state needs to do to secure this freedom in the face of cultural diversity. Chandran Kukathas' position can be taken as illustrative of an extreme liberal approach to culture and cultural diversity. Kukathas argues that liberalism does not, and should not, take any interest in collective projects based on the cultural, religious or ethnic attachments of individuals. In his view, liberalism can be best described as a 'politics of indifference' (Kukathas, 1998:691). The reason for this is that a liberal state resists the demand for recognition; it should do 'nothing' in order to meet the cultural or religious demands of minorities (Kukathas, 1998:687). The same is true for the resolution of conflicts that may arise between majority and minority groups in culturally diverse societies. Kukathas rejects defining such conflicts in cultural terms, as 'cultural conflicts', and characterises them rather as conflicts over material gains (Kukathas, 1998:693). What matters for his libertarian approach is the plurality of interests, rather than the plurality of worldviews.

Kukathas maintains that culturally diverse societies do 'not need to look for alternatives to liberalism', as liberalism already offers the most plausible response to the fact of moral and cultural diversity (Kukathas, 1992:107). It does so by securing three individual rights: the individual liberty of conscience; the right of association; and the right of dissociation, or as Kukathas calls it 'the right of exit'. These rights are all that cultural groups need to pursue their diverse ends, as, on his account, cultural groups are nothing other than 'voluntary associations of individuals' with various interests. The freedom of association ensures groups and communities, 'who wish to remain separate from other parts of society, or to break away and form their own associations of like-minded people, are left undisturbed: free to go their own way' (Kukathas, 2003:107). In his view, a liberal society can be best described as an 'archipelago' of associations which are united only by common commitment to freedom of conscience, of exit and of mutual tolerance (Kukathas, 2003).

With his imagery of the archipelago, Kukathas invites us to portray a liberal society as a loose collection of largely independent groups which are not connected to each other. In this society, there is neither any interaction between different 'islands', nor any need for it. Kukathas is not concerned about the interaction between different cultural groups.

On his account, a peaceful co-existence is all that a truly liberal society should strive for. He argues that, in this society,

... the task of finding the basis of social unity in a political order is not so urgent because there is no deep basis for the bonds of association to be found. And no deep basis is necessary. If we are concerned about the problem of different peoples coexisting peacefully, there is no need for them to value 'deep diversity'... It is enough for them not to object to coexistence. A political community need be no more than association of people who recognize the terms of coexistence (Kukathas, 2003:210).

Kukathas' notion of liberalism requires leaving individuals free to live by different cultural standards: 'provided their doing so does not threaten the legal and political order that allows for peaceful co-existence' (Kukathas, 1998:690). Accordingly, a liberal state should take no interest in group attachments; it should only be concerned about securing order and peace (Kukathas, 2003:219). The practices of cultural communities, including those with illiberal aspirations, must be respected not because the culture has the right to be preserved, but because individuals are free to form associations and to live according to the terms of these associations.

The extreme libertarian approach Kukathas represents suggests that the groups whose ways of life devalue autonomy or individuality should have the same rights as any other groups or associations. This is required by the central liberal value, which according to Kukathas is not individual autonomy, but rather tolerance (Kukathas, 1998:696). He contends that liberals should not impose their values on illiberal groups. They should seek to accommodate illiberal groups, as long as these groups do not try to impose their values on outsiders. For Kukathas (2003:17f), a free society: 'should tolerate all kinds of associations, including those which do not themselves seem to value freedom or abide by the principle of toleration, and which seem to embrace practices which are intolerable'. As long as members of a cultural community wish to continue to live by their beliefs, neither the liberal state, nor the wider society, has a right to interfere. In practical terms, what Kukathas suggests is that cultural groups should simply be 'left alone' to live in their own ways.

Although most liberal theorists agree with Kukathas' rejection of group specific cultural rights and his commitment to the primacy of individuals, his 'laissez faire' approach to cultural communities presents problems for them. Scholars who place individual autonomy, rather than tolerance, at the centre of liberal theory, such as Brian Barry

(2001) and Susan Okin (1999; 2002), argue that, when illiberal cultural practices are at stake—that is, when certain group practices are at odds with the liberal principles of individual equality and personal autonomy—the liberal state should intervene to protect the autonomy of their individual members. They maintain that Kukathas' call for 'the right of exit' is simply inadequate for avoiding the oppression within cultural groups. As an example, Okin (2002) argues that certain members of cultural groups, most notably women, may find it difficult to exercise 'the right of exit' that Kukathas suggests.<sup>4</sup> She argues:

...in many circumstances, oppressed persons, in particular women, are not only less able to exist but have many reasons not to *want* to exit their culture of origin; the very idea of doing so may be unthinkable. Rather, they want and should have the right, to be treated fairly within it. ... Those most likely to need it are those least likely to be able to employ it (Okin, 2002:207, emphasis in original).

Given this, liberals such as Okin and Barry support what Melissa Williams (1995) calls a 'juridical approach' to cultural conflicts.<sup>5</sup> This approach begins with the premise that justice can be defined independently of particular political contexts and maintains that, 'once defined in the abstract', it can be 'interpreted and enforced by judges and other agents of a neutral and impartial state in specific circumstances' (Williams, 1995:69). A liberal juridical approach requires the existence of external standards according to which given cultural practices can be assessed. It operates with an abstract conceptualization of culture and emphasises the need to place constitutional principles above culture. It expects the law to provide 'impartial' solutions to all type of conflicts, including cultural conflicts. It is liberal in that it gives precedence to individual rights and freedoms and entails a strategy of reinforcing legislation when these rights are in danger. It is based on the presumption that 'there is an essential conflict between collective, cultural rights, and individual rights' (Deveaux, 2006:28).

Similar to the 'laissez faire' approach Kukathas defends, the primary concern for a liberal juridical approach is to provide conditions for the peaceful co-existence of

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<sup>4</sup> For a criticism of Kukathas' 'right to exit' argument and its application in the context of forced marriage in Britain, see also Phillips and Dustin (2004).

<sup>5</sup> Williams makes a distinction between juridical and political models of defining justice toward groups in culturally plural societies. While the juridical model defines justice 'prior to politics', the political model rejects the notion that justice can be defined prior to politics. The advocates of the latter maintain that 'standards of justice can only avoid reproducing inequality if they are defined *within* a political process that provides the opportunity for marginalized groups' perspectives to be expressed and heeded' (Williams, 1995:69 [emphasis in original]).

individuals with diverse interests and identities. In this sense, a juridical approach is neither interested in finding out how cultural groups themselves see the contested practices at hand, nor in enabling any kind of interaction between minority and majority cultures. In the face of cultural conflicts, most liberals are reluctant to undertake a contextual investigation which requires 'giving weight to the divergent and context-specific understandings of reason and justice espoused by different cultures and social groups' (Kahane, 2004:31). Liberals tend to bypass this route as they maintain that the principles they operate with stand above all cultures. In practice, this means pushing culture off the agenda of public debate, thereby 'tacitly affirming established and often repressive' interpretations of the needs of cultural groups (Cooke, 1997:3).

Overall, the main problem of a liberal approach is that it overlooks the significance of culture for individuals and groups. It conceptualizes individuals as separated from their particular attachments, as merely bearers of interests. Respectively, liberals view politics as a mere *modus vivendi* amongst individuals who do not need to interact or cooperate with each other. As Schwarzmantel (2007:461) argues they allow no room for: 'any common *activity* that affirms the value of joint deliberation and decision-taking' in culturally plural societies' [emphasis in original]. This is most evident, as we have seen, in their responses to claims and conflicts about culture.

## **2.2. The multiculturalist approach: Protection of culture**

The liberal approach to culture and cultural conflicts has been subject to various criticisms. One well-known criticism of liberalism is levelled by advocates of multiculturalism, including Will Kymlicka (1995), Charles Taylor (1992), Iris Young (1990) and Tariq Madood (2008). Multiculturalists have charged liberalism with requiring assimilation to standards that are not themselves neutral, but in fact represent the perspectives of mainstream society. Although differing in their normative positions and the practices they advocate, scholars of multiculturalism broadly claim that the equal treatment of minorities requires public institutions to recognize and protect, rather than ignore, the cultural particularities of these groups. They maintain that culture matters as it plays a crucial role in validating identity. Accordingly, multiculturalists suggest seeing individuals as rooted in cultures and primarily as members of cultural communities. In fact, without their membership in these communities, individuals would be 'at sea' as Taylor (1989:27) puts it; they would not know who they were

anymore. If a liberal state fails to recognize and value culture, it undermines one's identity and sense of worth (Taylor, 1992).

Culture, from the perspective of multiculturalism, presents a system of beliefs and practices through which people 'understand, regulate and structure their individual and collective lives' (Parekh, 2000:142f). In this sense, as Jeremy Waldron (2000:161) puts it: 'cultures are not like hairdressers, set up in order to furnish individuals with diverse and colourful identities'. A culture, he argues,

... will compromise a particular way of dealing, for example with relations between the sexes, rearing of children, the organization of an economy, the transmission of knowledge.... So when a person talks about his identity as a Maori, or a Sunni Muslim, or a Jew, or a Scot, he is relating himself not just to a set of dances, costumes, recipes, and incantations, but to a distinct set of practices in which his people (the people he identifies with when he claims this as his identity) have historically addressed and settled upon solutions to the serious problems of human life in society' (Waldron, 2000:161).

As such, unlike a liberal approach, which seeks to 'privatize' culture, a multicultural approach emphasises the need, in institutional terms, to 'protect' cultures. This requires adopting a wide range of public policies, legal rights and, in some cases, the constitutional provisions for the accommodation of cultural differences. It may also require distribution of economic resources in such a way as to sustain and ensure the future of minority cultural communities. In this sense, it is not the mere existence of culturally diverse individuals and groups that makes a society multicultural. Multiculturalism, or what Taylor (1992) calls a 'politics of recognition', refers to a particular political doctrine. It requires governments to introduce a range of measures aimed at protecting the rights of minorities. This may entail, for example, providing funding to finance denominational schools, allowing cultural or religious dress codes and diets in public schools and workplaces, and the adaptation of specific regulations to 'exempt members of certain ethnocultural groups from requirements that are at odds with their religion or culture' (Phillips, 2007:4).

It is obvious that a multiculturalist approach takes the significance of culture and cultural membership as its point of departure. However, as Paul Kelly (2002:9) notes, this is not sufficient to identify an approach as multiculturalist. The significance of culture can also be emphasised to justify conservatism; to defend the idea of nationalism or to deny the rights to ethnic minorities. For the advocates of multiculturalism,

recognizing the significance of culture means remedying the disadvantages which culturally diverse groups suffer in the larger society. Multiculturalism, so conceived, aims to correct the subordinate status of those groups and put their members on the same footing as members of mainstream society. This, however, does not necessarily mean a departure from the liberal framework (Galeotti, 2002). On the contrary, most scholars of multiculturalism argue that the political recognition of cultural communities is justified by liberalism itself. They maintain that besides fulfilling the liberal commitment to equality, the political recognition of cultural communities enables the inclusion and integration of these communities in liberal democracies (Taylor, 1992; Young, 1989)<sup>6</sup>. Iris Young, for example, argues that 'rights and rules that are universally formulated and thus blind to differences of race, culture, gender, age, or disability, perpetuate rather than undermine oppression' (Young, 1989:267). Recognising distinctive identities is claimed to provide cultural groups with the 'motivation, capacity, and opportunity' to participate in democratic politics (Kymlicka and Norman, 2000:39).<sup>7</sup>

Multiculturalists generally believe that conflicts between majority and minority groups can be eradicated through the introduction of policies which grant minority cultures an exceptional status. This may also take the form of institutionalised power-sharing or constitutional settlements. The political recognition of relatively organized and united religious or ethnic communities seems to offer a viable alternative to a difference-blind liberalism. Yet, at the same time, a multicultural solution for accommodating cultural diversity and addressing cultural conflicts raises several problems which are partly recognized by the scholars of multiculturalism themselves:<sup>8</sup> Here I will engage with three particular problems: the problem of cultural essentialism; the problem of 'narrow' recognition; and the problem of illiberal cultures. I will argue that, if a deliberative approach is to go beyond multiculturalism, it should offer an adequate way of dealing with these problems.

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<sup>6</sup> As Taylor (1992:37-44) puts it, debate between advocates of liberalism and multiculturalism is about whether equality is best guaranteed by principles of universalism and 'difference blindness' or whether true equality requires special recognition and valuing of 'difference'.

<sup>7</sup> Kymlicka and Norman(2000:37) argue that public recognition of ethnic and cultural identities provide individuals with 'the confidence to interact with others in an open way; whereas those groups whose identities lack this sort of public recognition tend to be more fearful about the consequences of cultural interchange'.

<sup>8</sup> See for example Modood (1998); Phillips (1997); and Squires (2002b).

i) *Multiculturalism and the problem of cultural essentialism*

The central problem of multiculturalism, both in theory and practice, is its tendency towards cultural essentialism (Benhabib, 2002; Phillips, 2007; Squires, 2002b; Tempelman, 1999). The advocates of multiculturalism tend to take individual cultural attachments as given, fixed and pre-politically extant. They pay little or no attention to questions of where culture comes from, when it becomes the significant part of identity and under what circumstances it might be transformed. In other words, multiculturalism presupposes an essentialist understanding of culture and identity. A well-known danger in this way of thinking about culture is it invites us to treat culture as an easily identifiable, closed entity, as a 'thing in itself'. As Anne Phillips (2007:8) rightly argues, the essentialist notion of culture that underlies multiculturalism tends to exaggerate 'not only the unity and solidity of cultures but the intractability of value conflicts' in culturally plural societies.

Essentialism, in this context, implies 'a belief in true essence—that which is most irreducible, unchanging, and therefore constitutive of a given person' (Fuss, 1989:2). To essentialise an identity means:

... to impute a fundamental, basic, absolutely necessary constitutive quality to a person, social category, ethnic group, religious community, or nation. It is to posit falsely a timeless continuity, discreteness or boundedness in space, and an organic unity. It is to imply an internal sameness and external difference or otherness (Werbner, 1997:228).

When based on an essentialist notion of culture, multiculturalism favours a politics of recognition that seeks to impose some form of cultural homogeneity, thereby restricting the freedom of individuals to shape their own identities. It relies on the assumption that all members of a specific culture are equally committed to that culture. This leads to the suppression of the heterogeneity that exists within each culture and creates binary oppositions between cultures. Jon Stratton and Ien Ang (1999) argue that the cultural diversity embodied in official multiculturalism in Australia presents an example of multiculturalism based on an essentialist notion of culture. Here, multiculturalism tends to construct a binary opposition between the culture of ethnic communities and that of wider Australian society 'as if the two were mutually exclusive, internally homogenous entities'. Such a representation not only constructs the latter as 'always devaluing, hierarchising, othering' the former, but also pigeonholes 'the migrant' as permanently marginalised, forever ethnicised' (Stratton and Ang, 1999:158).



Critics of cultural essentialism are correct when they argue that rather than taking 'essential unity, integrity, discreetness and fixity' of cultures as our starting point, we should focus on the 'internal differentiation and fluidity' that exists within each culture (Modood, 1998:378). Although appealing, this proposition raises serious questions in terms of its applicability. Taking intracultural differences and fluidity of cultures seriously may easily lead to a wholesale rejection of multiculturalism. Some scholars, most notably Anne Phillips (2007), suggests that we do not need to reject multiculturalism categorically. She suggests, as the title of her influential book *Multiculturalism without Culture* indicates, that it is possible to reject a strong (essentialised) notion of culture, but continue to promote a version of multiculturalism. Yet as her critics point out, advocating multiculturalism 'without culture' is slightly polemical (Martineau and Squires, 2010; Modood, 2008). The prefix 'multi' invites us to think that there are 'multiple cultures that are entirely separate from one another and internally homogenous' (Thompson, 2008b:544).

As noted by Judith Squires (2002b), it has become common place to criticise the essentialist notion of culture that underlies multiculturalism, yet an alternative version of multiculturalism that relies on the internal differentiation and fluidity of cultures remains undeveloped. As I will argue later in this chapter, a deliberative approach offers a promising starting point to articulate a multiculturalism that avoids cultural essentialism, but nonetheless recognizes that culture matters.

ii) *Multiculturalism and the problem of 'narrow recognition'*

The second problem related to a multiculturalist approach is that it generally relies on what Jonathan Seglow (2003) calls a 'narrow notion of recognition'. Seglow differentiates between narrow and wide forms of recognition and argues that while the former is concerned solely about the vertical relationship between state and identity groups, the latter refers to a horizontal form of recognition that citizens should evince one another.<sup>9</sup> The narrow recognition is about changing the 'laws, policies, public conventions and state funding which seek to accommodate the specific needs and identities of minority groups' (Seglow, 2003:89). It is narrow in the sense that it is only concerned about the relationship between state and minority groups. It assigns the state

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<sup>9</sup> According to Seglow (2003:88), wide recognition in practice means, 'for example that Islam is not disparaged as a religion and belief system; that non-European art is not considered primitive and savage; that speakers of Punjabi are not looked down upon; that gay relationships are not considered intrinsically inferior. ... A society that did practice wide recognition would give to minority collective identities what the majority unproblematically enjoys: a secure sense of their own identity'.



a final decision-making authority or a 'regulatory function' for deciding which specific groups deserve recognition and which groups are deemed to be threatening it (Dhamoon, 2009:8). As Iris Young notes, by placing too much emphasis on the role of the state within the politics of recognition, we tend to ignore 'civil society as an arena both of institutional decision-making and political struggle' (Young, 2007:84).<sup>10</sup>

An additional problem related to the narrow understanding of recognition is that it places too much emphasis on the 'end-state' of recognition; that is on whether the state recognizes the cultural distinctiveness of a group or not (Tully, 2000). Although crucial, this question usually diverts attention away from an equally important question, namely whether the recognition is settled democratically. This, in turn, raises a number of difficult questions: Who represents culture vis-à-vis state—a self-appointed community leader or a democratically accountable member of a cultural community? Whose version of culture is to be taken seriously? When conceived narrowly, a politics of recognition tends to ignore the intracultural diversity that exists within each culture. Take, for instance, the example Monique Deveaux (2000) provides about the demands of native people for self-determination and collective rights in Canada. She argues that while native women demand continued protection of their individual rights under the Canadian Charter of Rights and Freedoms, the mostly male leadership of the Assembly of First Nations argues that this charter conflicts with their native aspirations for self-determination and collective rights (Deveaux, 2000:168). When conceived narrowly, a politics of recognition may easily promote what Unni Wikan (2002b:146) calls a 'totalitarian', as opposed to a democratic, form of multiculturalism. To counteract this tendency, we need to shift our focus from 'end-state' to the 'processes of recognition'. We need to distinguish between different sorts of claims for recognition and pay greater attention to dissenting voices within cultural communities on the subject of collective cultural rights.

As I will elaborate later, the deliberative approach helps us conceive recognition in broader terms, as a democratic activity, and conceive the struggles for recognition as discursive contestations in the wider public sphere. On this account, whether cultures are worth protecting depends on the result of debate, it is not asserted beforehand.

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<sup>10</sup> Young (2007:80) argues that when faced with cultural injustices, civil society can play a crucial role 'either as enacting injustice or as a source of remedy'.

iii) *Multiculturalism and the problem of illiberal cultures and deep disagreements*

The third problem of a multiculturalist approach is that it provides little or no guidance in dealing with illiberal cultural claims and the deep disagreements such claims create between minority and majority cultures. This problem is articulated mainly by feminist critics of multiculturalism such as Susan Okin, Anne Phillips and Ayelet Schachar. Although disagreeing significantly on a number of issues, these scholars all argue that attempts to create equality between cultural groups 'may unwittingly serve to actively reinforce power hierarchies within groups' (Schachar, 2001:2). Most notably, collective group rights, particularly when granted to illiberal cultures, allow for inequality between women and men.

In this context, Susan Okin (1999) claims that multiculturalism and feminism are not only in tension with each other, but that 'multiculturalism is bad for women'. In her view, liberal states should categorically avoid accommodating minority cultures as some cultures are harmful for female members of minority groups. She writes the accommodation of minority group traditions exacerbates the inequalities within minority groups. She maintains that even in the absence of special group rights and of multiculturalism as a state policy, it is important to remain cautious in response to cultures that are characterised by patriarchal beliefs and practices as such cultures tend to put women in a disadvantaged position. She backs up this claim with her observation that many families in cultural groups in the United States, Canada and Europe place their daughters under significantly greater constraints than their sons (Okin, 2002:220f.). She concludes that multicultural policies sustain, rather than challenge, these tendencies.

Okin's account has been subject to various criticisms for employing a double standard and for being 'ethnocentric' when assessing the harm of cultural practices. Her critics argue that by focusing only on the patriarchal nature of minority practices, Okin fails to recognize gender inequalities that exist within mainstream social relations and institutions (Deveaux, 2006; Song, 2007). She thus continues to operate with an essentialist notion of culture and conceives minority and majority cultures as binary oppositions. According to Monique Deveaux (2006:32), 'the biggest difficulty' with Okin's liberal approach is that 'it sets ideals of individual and sexual equality and individual autonomy above all other political norms, without adequate justification'.

Deveaux and others are right to criticise Okin on these grounds. Yet to say that gender inequality exists in every culture, and not only in some cultures, does not solve the problem Okin has put forward. Okin raises a very important concern in relation to the role of culture in sustaining gender inequality. Her provocative work invites advocates of multiculturalism to pay special attention to the 'side effects' of multiculturalism in the face of illiberal cultures.

In fact, most advocates of multiculturalism acknowledge that multicultural policies may further entrench, rather than challenge, the inequalities within cultural communities. However, when faced with illiberal cultural claims, they usually have little or nothing to add to the solutions suggested by liberals. Although the multiculturalist approach differs from its liberal counterpart in many important ways, when it comes to the question of illiberal cultures, the distinction between these two approaches seems to disappear. In the face of illiberal cultural claims, advocates of multiculturalism either remain silent or they favour liberal juridical solutions over democratic solutions. As discussed above, a juridical approach calls for external standards when evaluating the meaning of a cultural practice or the harm such a practice may entail. Okin, as a liberal, clearly adopts this approach and sets individual autonomy as her benchmark for assessing harm or benefit. In her view, whenever cultural practices seem to violate individual autonomy, there is simply nothing to discuss. The value of individual autonomy ultimately justifies state intervention into illiberal minority communities.

In a similar vein, in his response to the problem of illiberal cultures, Kymlicka (1995), the foremost contemporary defender of multiculturalism, argues that we can only endorse minority rights insofar as those rights are consistent with respect for the freedom and autonomy of individual members. Kymlicka confronts the illiberal culture with a 'take-it-or-leave-it' option (Tempelman, 1999:29). He contends that where group practices violate fundamental human rights, cultural groups cannot be left alone. It is important that states intervene in illiberal cultures to protect vulnerable members of these cultures.<sup>11</sup> In Kymlicka's view (2001:171), 'the logic of multiculturalism involves accommodating diversity within the constraints of constitutional principles of equal opportunity and individual rights'. These suggestions bring us back to the liberal approach, as defended by scholars such as Barry (2001). So in practice, when faced with

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<sup>11</sup> Kymlicka (1995:169f) argues the conditions that justify state intervention include 'the severity of rights violations within the minority community, the degree of consensus within the community on the legitimacy of restricting individual rights, the ability of dissenting group members to leave the community if they so desire and the existence of historical agreements with the national minority'.

illiberal cultures, multiculturalists replicate the solutions suggested by liberals. In other words, they fail to offer an alternative way of addressing illiberal cultures.

### **2.3. The deliberative approach: Deliberating about culture**

I argue that rather than rejecting multiculturalism categorically, we need to rethink the politics of recognition in ways that can help solve, or at least mitigate, the problems related to cultural essentialism, narrow recognition and illiberal cultures. In my view, the deliberative approach offers the most suitable starting point for developing this alternative framework. Having said that, as I pointed out earlier, deliberative democracy is not a unified model of democracy; rather it comes in a variety of forms. There is no standard off-the-shelf model that is adequate for resolving culturally contested issues and producing justice. Before moving to internal variations, it is necessary to outline some of the key characteristics that distinguish deliberative democracy from both liberal and multiculturalist approaches to culture and cultural conflicts.

The deliberative approach suggests that solutions to controversial issues cannot be defined 'a priori'; they must rise from constant discussions or negotiations between affected groups. Accordingly, the 'core idea' of deliberative democracy is: 'when citizens or their representatives disagree morally, they should continue to reason together to reach mutually acceptable decisions' (Gutmann and Thompson, 1996:1). One strength of this approach is its capacity to yield democratically legitimate outcomes. On this account, democratic legitimacy is conceived in terms of 'the right, capacity and opportunity' of those affected by a collective decision to participate in the making of those decisions (Cohen, 1989). In other words, collective decisions can claim legitimacy to the extent that they are subject to fair public deliberation among free and equal parties. This is also true for decisions on culturally contested issues.

The deliberative approach promises to go beyond both liberal and multiculturalist approaches to cultural claims in two important ways. Firstly, the deliberative approach differs in the way it conceives cultural identities. The starting point for most scholars of deliberative democracy is that cultural identity does not speak for itself; cultures are not 'hermetic and sealed wholes' (Benhabib, 1995:240). Rather, culture and its meaning for identity are continuously debated and created within the community, challenged by both members and outsiders (Benhabib, 2002:33-41; Festenstein, 2005:119). This has important implications for the politics of recognition that a deliberative approach

supports. As Gutmann (1992:7) argues, if our identity is 'dialogically created and constituted', its public recognition 'requires a politics that leaves room for us to deliberate publically about those aspects of our identities that we share, or potentially share with other citizens'. The deliberative framework helps us conceive recognition in broader terms, as a democratic activity and contestation, rather than a narrowly defined relationship between cultural minorities and the state (Ayirtman 2007).

Secondly, the deliberative approach differs from liberal and multicultural approaches in that it privileges a 'dialogical' over a 'monological' response to conflicts of recognition.<sup>12</sup> A monological response relies on an *a priori* assessment of issues and identities at stake. It expects higher institutions, such as courts or policy makers, to generate solutions to conflicts of culture. This usually occurs in a top-down manner where institutions generate such solutions in abstraction from the actual contexts of conflicts and hand them down to the members of cultural communities. The liberal juridical approach to conflicts of culture discussed above presents an excellent example of this monological trend. Although most deliberative democrats acknowledge the importance of the juridical approach in resolving cultural conflicts, they also emphasise the need for supplementing this approach with a more context-sensitive, dialogical response (Bouchard and Taylor, 2008:52; Deveaux, 2006: 26f).

Seyla Benhabib illustrates the shortcomings of a monological, top-down response to cultural claims using the example of the French *affaire foulard* which broke out in 1989, when three Muslim schoolgirls were expelled from their state school in Creil, near Paris, for wearing Islamic headscarves. The French government 'resolved' this issue in February 2004 by passing a law which banned from state schools, the wearing of all overtly religious symbols. Benhabib argues that 'it would have been both more democratic and fairer had the school authorities not simply dictated the meaning of their act to these girls, and had the girls been given a public say in their interpretation of their own action' (Benhabib, 2002:118).<sup>13</sup> When public institutions fail to include those who are subject to decisions in the making of those decisions, they face legitimisation problems and also end up sustaining an incomplete form of multiculturalism that may easily backfire (Eisenberg, 2009:44).

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<sup>12</sup> Here I am borrowing the distinction Tully (2004) makes between the two dominant responses to the conflicts of recognition.

<sup>13</sup> Similarly, Phillips and Dustin (2004) illustrate the risks associated with top-down management of culturally contested issues on the example of forced marriage debates in Britain. They argue that a top-down approach tends to be insensitive towards the internal differences within each culture leading to a potentially racist immigration debate in a given country.

In contrast to top-down approaches, the deliberative democratic approach puts the members of cultural communities at the centre of debates and decision-making processes on culturally contested issues. On this account, it is simply not good enough to say, as liberals do: 'Here's liberalism; take it or leave it' (Miller, 2002a:264). What a liberal society may or may not accept, should be decided by means of democratic dialogue in which both minority and majority communities articulate their standpoints. When minorities are included in the making of decisions about themselves, they are more likely to experience their identities as self-chosen rather than imposed by some higher institutions or policy makers. The deliberative approach can thus help counteract the problem of cultural essentialism discussed above. It provides cultural minorities with the opportunity to challenge and reformulate the identities they are called upon to take and, eventually, to 'rewrite the meaning of their actions' (Benhabib, 2002:118).

Overall, we can see that a deliberative democratic approach has considerable normative advantages over liberal and multiculturalist approaches. At the very least, it promises to generate legitimate outcomes. However, when culturally contested issues are at stake, deliberation may easily turn into a battle-ground between culturally diverse groups. In such situations, what seems vital for the identity of a certain cultural group may sound irrational, oppressive or simply not persuasive to those who do not share the same cultural premises. In other words, cultural differences may pose unprecedented difficulties to the process of deliberation (Bennett, 2007; Valadez, 2010).<sup>14</sup> Emphasizing these difficulties, Simone Chambers argues that for deliberation to occur '[n]ot only must we share the same natural language in order to understand each other; we must share or assume we share the same objective world, the same normative world and commensurable subjective worlds' (Chambers, 1996:95). If this is true, deliberation has little or nothing to offer to the claims and conflicts of culture. Deliberative democrats acknowledge that the presence of cultural groups with diverse communication and reasoning styles brings new types of challenges to public deliberation. Yet rather than rejecting the viability of deliberation with members of those groups, deliberative democrats posit a number of normative principles that aim to secure the prospects of

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<sup>14</sup> Valadez (2010:63) argues, 'When significant cultural differences exist between groups, it is unlikely that there will exist sufficient overlap between their cultural frameworks to ground agreement on the basis of the same reasons... For example, indigenous groups may use beliefs about the importance of hallucinogens in spiritual practices to justify the continuation of rituals using such substances. The members of majority societies would probably not find such arguments persuasive and may even consider them self-serving or perverse'.

deliberation across cultural differences. In what follows I will discuss these principles and their implications in the face of claims and conflicts of culture.

#### **2.4. Communicating culture in public deliberation**

Deliberative democrats themselves emphasise different kinds of rules and establish different kinds of regulatory ideals that restrict the types of justifications that can be employed in democratic argumentation. There are no doubt continuities among these scholars, yet they operate ultimately with divergent fundamental assumptions and see different processes at work when they emphasise the need to make democracies more deliberative. The differences between variants of deliberative democracy become particularly visible when it comes to the question of how to deal with claims of culture in public deliberation. Does public deliberation oblige individuals to leave behind that which differentiates them? Or does it allow them to justify their standpoints by appealing to cultural factors? If so, how much diversity can deliberative democracy accommodate? Deliberative democrats provide different answers to these questions. It is possible to divide existing accounts of deliberative democracy into three broadly defined streams: the Rawlsian, the Habermasian and the pluralist accounts. It is not my intention to address these accounts exhaustively here, nor to examine the arguments of their numerous advocates and critics. Rather, my aim is to identify and build upon those strains of deliberative democracy that hold the most promise in the face of cultural diversity.

##### *i) The Rawlsian account: Restricting the matter and manner of public deliberation*

The first widely-known deliberative approach to claims of culture is suggested by John Rawls (1993:216-220). The starting point for Rawls and scholars advocating his approach is that given the fact of pluralism, public deliberation must meet certain constraints in order to ensure that citizens are treated as equals. The most important condition is that every claim should be subject to a 'public reason test'. This suggests that in the course of public deliberation, citizens should advance only those reasons that are principally acceptable to all. In other words, they should not justify their arguments by asserting the superiority of one particular conception of good over another. Deliberation in a Rawlsian sense requires citizens to transcend their particularistic interests and group affiliations and adopt a 'neutral' viewpoint.



Joshua Cohen provides a compelling picture of what reasoning together in a Rawlsian sense might be like:

In an idealised deliberative setting, it will not do simply to advance reasons that one takes to be true or compelling: such considerations may be rejected by others who are themselves reasonable. One must find instead reasons that are compelling to others, acknowledging those others as equals, aware that they have alternative reasonable commitments, and knowing something about the kinds of commitments that they are likely to have. ... if a consideration does not meet these tests, that will suffice for rejecting it as a reason. If it does, then it counts as an acceptable political reason (Cohen, 1996:100).

This suggestion is based on the assumption 'that citizens have two [separate] views, a comprehensive and a political view' (Rawls, 1993:140). In addition, public deliberation is solely about exchanging political views. If, however, citizens discover disagreements emanating from their 'comprehensive views', that is, from their cultural or religious convictions and beliefs, they ought to pursue a path of what Ackerman (1989) calls 'conversational restraint'. This suggests that:

... we should simply say nothing at all about this disagreement and put the moral ideals that divide us off the conversational agenda of the liberal state. In restraining ourselves in this way, we need not lose the chance to talk to one another about our deepest moral disagreements in countless other, more private contexts (Ackerman, 1989:17).

These constraints purport to determine the appropriate issues and sites for public deliberation. Obviously, on this account, not every issue deserves a deliberative treatment. The scope of public deliberation is restricted to the issues that relate to 'constitutional essentials' (political norms and institutions) and questions of basic justice. Accordingly, the suitable spheres for deliberation are also restricted. The advocates of the Rawlsian approach maintain that deliberation should occur only in the state and its institutions such as courts or legislatures.

These constraints have important consequences in the face of cultural diversity. Although membership in a cultural community *per se* is not an obstacle to participation in a Rawlsian style public deliberation, the 'conversational restraints' prevent members of cultural communities from justifying their positions by appealing to cultural reasons. They are not allowed to appeal to their distinct culture, history, language or ways of life to justify their political claims and proposals. In simple terms, they are asked to bracket



their identities and ‘comprehensive views’ when deliberating about political norms and institutions.

The Rawlsian account of deliberation has been criticised from within and outside the deliberative democracy canon for its exclusionary implications and assimilatory tendencies in culturally plural societies (Benhabib, 1996b; Bohman, 1995; Deveaux, 2000; Ivison, 2002; Mouffe, 2005). Critics of Rawls have rightly argued that the restrictions Rawls puts on the manner and matter of public deliberation pose ‘unfair burdens’ to some cultural communities and create ‘formidable obstacles to their representation and participation in democratic politics’ (Deveaux, 2000:66f). This is particularly true for cultural or religious groups, such as aboriginal peoples or some religious communities, whose political views are not easily separable from their cultural convictions. Rawls’ public reason requirement privileges those who do not have deeply held religious and culturally specific moral beliefs.

Contrary to Rawls, his critics argue that securing recognition and respect for cultural minorities requires ‘more comprehensive forms of political inclusion’ (Deveaux, 2000:108). They suggest distinguishing between the liberal and democratic conceptions of public deliberation and adopting the latter in culturally plural societies (Benhabib, 1994:36). To this end, while some suggest broadening the matter of public deliberation, others argue that in order to fully meet the demands of cultural pluralism, it is also important to broaden the manner of public deliberation. In what follows I present in turn both variants of deliberative democracy.

*ii) The Habermasian account: Expanding the matter of public deliberation*

The second deliberative approach to minority claims and cultural reasons is advocated by Jürgen Habermas and his followers, such as Seyla Benhabib and James Bohman. The Habermasian deliberative approach differs from its Rawlsian version in at least three important ways.

First of all, this account rejects restricting the agenda of public deliberation to constitutional essentials, as the Rawlsian account does. According to Habermas, public deliberation must be open to all who would be affected by its outcome. There are no constraints on topic as long as what is said can be shown to be pertinent to the norm under discussion (Habermas, 1990:103, 198). In principle, this also includes topics with contested moral content. Unlike the Rawlsian scholars who keep morally charged issues

off the political agenda on the grounds that they may potentially be divisive, democratic theorists, following Habermas, do not fear that such issues are bound to lead to political instability. Rather, they believe that when certain conditions are met, citizens will come to modify their views in the course of deliberation with others. Habermasian scholars place a strong emphasis on the transformative potential of public deliberation for individuals. As Benhabib points out, in this view, a process of discussion is seen as a process of self-transformation in which participants clarify who they are and change themselves in the process (Benhabib, 1986:313-315; Benhabib, 1989).<sup>15</sup>

The second important difference between the Rawlsian and Habermasian accounts lies in the conception of what qualifies as a public reason. Scholars following Habermas conceive public reason as closely tied to the actual dialogue and deliberation. This suggests that we cannot determine in advance of public deliberation which reasons are non-public. Interlocutors foreground their reasons in an interactive manner: in response to each other in the course of actual dialogue, and not prior to it. It is thus important to understand public reason as a 'dynamic' concept and as something that is necessarily 'plural' and not 'singular' (Bohman, 1995:255). As Bohman (1995:262f) notes:

... public reason is singular if it represents itself as a single norm of public deliberation. ... On the other hand, public reason is plural if a single norm or reasonableness is not presupposed in deliberation; thus agents can come to an agreement with each other for *different* publicly accessible reasons [emphasis in original].

This provision aims to ensure that the voices and perspectives of cultural minorities are included in public deliberation. A plural conception of public reason allows groups and individuals who are strongly attached to particular sets of values to enter discussion without giving up these values. As Habermas (1982:255) puts it: 'if actors did not bring with them, and into discourse, *their* individual life-histories, *their* needs and wants, *their* traditions, memberships, and so forth, practical discourse would at one be robbed of all its content' [emphasis in original]. On this account, actors are allowed to talk about or propose anything they want, but not in a manner that is free of any constraints.

Habermas extends the range of acceptable reasons in public deliberation provided that they meet the 'moral justification' requirement of public deliberation. This requires

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<sup>15</sup> Similarly, Warren (1992:8) notes that liberal democracy generally fails 'to appreciate the transformative impact of democracy on the self, a failure rooted in its view of the self as prepolitically constituted'.

providing rational arguments that are 'in the best interest' of all participants (Benhabib, 1996b). Seyla Benhabib notes that strategic intentions or particularistic convictions might have the higher priority in the minds of deliberating participants, yet providing reasons on the basis of moral justification is necessary for normative validity (Benhabib, 2002:143). This constraint aims to promote rational reasons, rather than powerful interest, as the basis of the common good and to achieve rational consensus as a result of public deliberation. Although Habermas acknowledges that the 'fact of pluralism' makes negotiation and compromise a necessary way of making decisions, he remains committed to a conception of rational consensus as a regulative ideal which should guide deliberation and legitimate its outcomes (Habermas, 1996:165).<sup>16</sup>

The third distinctive feature of the Habermasian approach is that, unlike the Rawlsian deliberative approach, it does not restrict the sites of deliberation to the state and its institutions. It requires a strong concept of the public sphere which also entails civil society and its associations as sites of public deliberation.<sup>17</sup> The variety of associations in which deliberation takes place can range 'from political parties, to citizens' initiatives, to social movements, to voluntary associations, to consciousness-raising groups, and the like' (Benhabib, 1996b:74). So, Benhabib (1996a:74) argues:

It is through the interlocking net of these multiple forms of associations, networks, and organizations that an anonymous 'public conversation' results. It is central to the model of deliberative democracy that it privileges such a public sphere of mutually interlocking and overlapping networks and associations of deliberation, contestation, and argumentation.

To be more inclusive in the face of cultural pluralism, political deliberation based on a plural account of public reason requires considerably fewer constraints and promises. Although this account lifts the constraints on the matter of public deliberation, the emphasis it places on certain speech styles, most notably on rational argument, poses problems for cultural minority citizens who might have different deliberative styles. The pluralist deliberative approach I discuss below points precisely to this deficit and

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<sup>16</sup> In a similar vein, Benhabib (2002:134-43, 144f) argues that while moral consensus may only be rarely achievable, it should not be jettisoned as a goal, for on her account, 'consensually attained moral norms' are possible even in deeply plural societies.

<sup>17</sup> 'In deliberative democracy' Benhabib (2002:21) argues, 'the *official* public sphere of representative institutions, which includes the legislature, executive and public bureaucracies, the judiciary, and political parties, is not the only site of political contestation and of opinion and will formation. Deliberative democracy focuses on social movements, and on the civil, cultural, religious, artistic, and political associations of the *unofficial* public sphere, as well. The public sphere is composed of the anonymous and interlocking conversation and contestation resulting from the activities of these various groups. It is in this domain that multicultural conflicts and politics have their place' [emphasis in original].

emphasises the need to broaden the manner of public deliberation to make deliberative democracy suitable to culturally plural societies.

iii) *The pluralist deliberative account: Expanding both the manner and matter of public deliberation*

The third stream of deliberative approach is developed by the critics of the Habermasian version of deliberative democracy whom I refer to here as the scholars of the pluralist deliberative approach. A large number of scholars with different philosophical assumptions fall into this category. While some (such as Monique Deveaux and John Dryzek) express an overall agreement with Habermas and suggest amending only some aspects of his theory, others (such as Iris Young) base their arguments on the rejection of the Habermasian version of deliberative democracy. Despite their differences, what locates these scholars in the same category is their aspiration to make the deliberative approach more inclusive in the face of cultural diversity.

The pluralist deliberative approach arose not merely as a result of theoretical discussions over the appropriate rules of public deliberation. This approach can also be seen as a consequence of the 'practical turn' in deliberative theory. This practical turn has pushed deliberative theorists to reformulate the enabling conditions of public deliberation to better meet the demands of cultural pluralism. As Simone Chambers notes, the pluralist variant of deliberative democracy has particularly benefited from the 'what about ...' line of argument. The practical questions such as '[w]hat about aboriginal peoples and their use of storytelling and greeting, what about African Americans and their repertoire of meanings, ...what about the religious and their appeal to the faith', have ultimately led to the development of a culturally sensitive and more inclusive notion of public deliberation (Chambers, 2003:322).

The advocates of the pluralist deliberative approach problematise two main aspects of the Habermasian account of deliberation: the legitimate mode of expression it requires for making claims; and its emphasis on consensus as the desirable outcome of public deliberation. With regard to the first point, pluralist deliberative democrats argue that democratic inclusion in culturally plural societies requires more than broadening the matter of public deliberation; it also requires broadening the scope of acceptable manners of public deliberation. They criticise Habermas for failing to take into consideration the variety of speech and reasoning styles that exist in culturally plural societies. Habermas, they argue, advocates a model of democracy that places too much

emphasis on rationally motivated agreement and assumes that the public sphere 'is or can be a space of zero-degree culture' (Fraser, 1997:79). Contrary to this view, Iris Young (1996) points out that membership in certain cultural groups may have a bearing on the discursive styles their members endorse and with which they feel comfortable. She argues that by privileging rational argument over other forms of speech styles, such as story-telling or rhetoric, Habermas favours white, male, middle-class speaking styles. In her view, a democratic process becomes inclusive 'not simply by formally including all potentially affected individuals in the same way', but by attending to their differences (Young, 2000:83). She thus suggests that greeting, rhetoric and storytelling, in addition to argument, should be endorsed as means of expanding democratic discussion (Young, 2000:52-80).

The second concern for scholars of a pluralist deliberative approach is the Habermasian search for consensus as the outcome of public deliberation (Baumeister, 2003; Deveaux, 2000; Dryzek, 2000; Mansbridge, 2007; Young, 1996). They argue that the condition of consensus assumes a greater degree of overlap and agreement among citizens than is warranted in culturally diverse societies. The problem with consensus is that, as John Dryzek (2000:170) notes, it requires 'unanimous agreement not just on a course of action, but also on the reasons for it'. This, he maintains, is 'unattainable, unnecessary, and undesirable' in a pluralistic world. Rather than insisting on the ideal of reaching consensus, scholars of a pluralist deliberative approach argue that we should focus on what is attainable in culturally plural societies: it is good enough if deliberation yields 'workable agreements' (Dryzek 2000), 'compromise' (Deveaux 2006) or even just 'social learning' across difference (Kanra, 2009).

Taken together, the contributions of pluralist deliberative democrats open up a new way of thinking about deliberation in culturally plural societies. By emphasizing the need for acknowledging a variety of reasons and diverse communication styles in public deliberation, the pluralist deliberative approach goes beyond the limitations that are inherent in Rawlsian and Habermasian conceptions of deliberation. In the next chapter, I show how a pluralist deliberative account enables an effective response to the dilemmas of multiculturalism.

## 2.5. Conclusion

This chapter has provided a justification of the general argument that deliberative democracy offers the most suitable framework for accommodating cultural diversity and resolving cultural conflicts. To this end, I examined the existing approaches to cultural claims under three broadly defined categories: liberal, multicultural and deliberative. I argued that the way in which culture is conceptualized has important implications for the strategies required for its accommodation. We have seen that both liberal and multiculturalist approaches entail several problematic elements. The central problem of the liberal approach is that it tends to conceptualize individuals separated from their particular attachments, as merely bearers of interests. Liberals tend to overlook the significance of culture for individuals, groups and subsequently for democratic politics. I showed that while liberals underestimate the meaning of culture, multiculturalists tend to exaggerate its primacy in shaping personal identity. I discussed three particular problems related to multiculturalism: the problem of cultural essentialism, the problem of narrow recognition and the question of how to deal with illiberal cultures. I then argued that the deliberative democratic approach offers the most promising framework for addressing these problems. This approach remains attentive to diversity but it is not premised upon any particular definition of culture. It suggests accommodating cultural diversity and resolving cultural conflicts via an ongoing process of public debate and deliberation. I argued that the pluralist stream of this approach in particular offers the most promising framework for addressing dilemmas of multiculturalism. In the next chapter, I will continue to examine the pluralist deliberative approach with a particular focus on its ability to accommodate illiberal cultural claims and resolve intercultural conflicts.

## Chapter 3

### A deliberative approach to illiberal cultures and deep disagreements

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In the previous chapter, I argued that the pluralist stream of the deliberative democratic approach offers the most promising response to the problems associated with multiculturalism. In this chapter, I substantiate this claim by focusing on the potential of this approach to accommodate cultural differences and address deep disagreements in culturally diverse societies. In doing so, I discuss and build upon two variants of this approach as advocated by John Dryzek and Monique Deveaux.

I focus on the works of these scholars for three reasons. First, both scholars suggest an account of deliberative democracy that is sensitive to cultural differences. In doing so, both remain attuned to the essentialist consequences of identity politics and seek to recognize cultural differences without essentialising them. Second, they offer useful insights into the institutional conditions under which the aspirations of the deliberative approach they defend can be realized. This is an important step if deliberative democracy is to respond to criticism that it is an ideal distanced from reality. Finally, I focus on the works of these two scholars because their approaches complement each other in many important ways. Both Dryzek and Deveaux take the Habermasian notion of deliberative democracy as their starting point yet expand on it differently. While Dryzek, following Habermas, understands deliberation in macro-political terms as contestation between discourses in the broader public sphere, Deveaux is primarily concerned about deliberation in structured forums that are designed as part of the decision-making and conflict resolution processes in culturally plural societies.

I argue that both Dryzek and Deveaux offer compelling solutions for overcoming the first two problems of multiculturalism identified in the previous chapter: the problems of cultural essentialism and narrow recognition. However, when it comes to the question of how to deal with the claims of illiberal cultural groups and the deep disagreements they cause in culturally diverse societies, the deliberative approach each suggests remains insufficient. I suggest overcoming this shortcoming by drawing on insights from the scholars of agonistic pluralism, most notably William Connolly. By building upon the strengths of Dryzek, Deveaux and Connolly, I offer a deliberative



democratic approach that is responsive to deep disagreements in culturally plural societies. This approach aims to grant illiberal cultural claims a legitimate status in public debates and dialogues, and expand the scope of democratic engagement in culturally plural societies.

The chapter is divided into five sections. In the first two sections I examine the deliberative theories of Dryzek and Deveaux, with particular attention to their potential for addressing the dilemmas of multiculturalism identified in the previous chapter. In the third section I explore the shortcomings of their approaches in addressing deep disagreements in culturally plural societies. In the fourth section I explore the strategies scholars of agonistic pluralism suggest for enabling democratic engagement in the face of deep value conflicts. Finally, I suggest a deliberative framework that is responsive to illiberal cultural claims and provide a way of translating the normative presuppositions of this framework into an empirical investigation of deep disagreements in culturally diverse societies.

### **3.1. Shift from identities to discourses: Dryzek's macro-deliberative approach**

Deliberative democrats promote divergent conceptions of what ought to count as deliberation, where it should take place and what to expect from it. Dryzek suggests understanding deliberative democracy as the contestation of discourses in the public sphere. In his view, we should not restrict deliberation to the face-to-face encounters of individuals in structured forums. He suggests understanding deliberation in macro-political terms as a communication process—contestation and argumentation—that occurs in the wider public sphere between discourses.<sup>1</sup>

Dryzek's view of deliberation as the contestation of discourses in the public sphere shares many features with the Habermasian understanding of deliberative democracy. Similar to Habermas, Dryzek places a strong emphasis on the opinion-formation function of deliberation within the public sphere. However, unlike Habermas, he does not restrict the contestation of discourses to reasoned arguments. His approach, which he calls 'discursive democracy', places a strong emphasis on 'the necessity to communicate across difference without erasing difference' (Dryzek, 2000:3). This requires 'attending different identities and the different kind of communication that

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<sup>1</sup> For a similar, macro understanding of deliberation, see also Benhabib (1996b); Chambers (2009); Mansbridge (2007); and Parkinson and Mansbridge (2012 ).



accompany them' within the process of deliberation (Dryzek, 2010a:34). This means, in Dryzek's view, we can allow different forms of communication, such as storytelling, gossip, humour, emotion, and rhetoric as legitimate speech styles in the course of public deliberation. This, however, he notes, 'does not mean that "anything goes" in terms of the kinds of communication that deliberative democrats ought to welcome' (Dryzek, 2010a:34). The alternative modes of communication, he argues, should be admitted critically. He suggests that any mode of communication is acceptable provided that it is (i) 'reflective' (capable of inducing reflection); (ii) 'noncoercive'; and (iii) 'capable of linking the particular experiences of an individual, or category with some more general principle' (Dryzek, 2000:68). Beside these conditions, he also emphasises the principle of 'reciprocity' developed by Gutmann and Thompson (1996) as an additional prerequisite of deliberative democratic exchange (Dryzek, 2010a:34). This principle aims to ensure that participants frame their claims in terms that others accept.

Taken together, these requirements aim to rule out 'domination via the exercise of power, manipulation, indoctrination, propaganda, deception, expressions of mere self-interest, threats (of the sort that characterise bargaining), and attempts to impose ideological conformity' (Dryzek, 2000:2). Dryzek develops these requirements to distinguish between deliberative and non-deliberative forms of political expression. Yet at the same time they also establish the terms of inclusion and participation in public deliberation. I will come back to the implications of these requirements in culturally plural societies later in this chapter. For now, let me first focus on how Dryzek conceptualizes deliberation across difference and how his proposal helps us overcome the problems of cultural essentialism and narrow recognition discussed in the previous chapter. In this context, Dryzek's interpretation of identity and difference merits particular attention.

Dryzek rejects viewing identities and identity differences in essentialist terms, that is, as givens. Rather than conceiving identity differences in fixed terms, for example, as the products of unchangeable cultures, he suggests focusing on the role of discourses in creating as well as sustaining identity differences. In his view, we can interpret 'the whole idea of difference' in terms of discourses rather than identities' (Dryzek, 2000:75). Discourse in this context refers to: 'a shared means of making sense of the world embedded in language' creating 'shared terms of reference' for those who subscribe to a particular discourse and enable their communication with each other 'in intersubjectively meaningful ways' (Dryzek, 2000:18).

In my view, Dryzek's shift of emphasis from identities to discourses and his interpretation of deliberative democracy in terms of contestation of discourses in the public sphere offers a particularly useful framework for overcoming the problems of essentialism and narrow recognition related to multiculturalism. This framework invites us to view identities as the product of discourses rather than of culture understood in essentialist terms. This, however, is not to suggest that identities or identity differences are manufactured constructions and thus less real. Nor does this mean to view the relationship between discourses and identities in deterministic terms, suggesting identities are determined solely by discourses and not by individuals themselves. In Dryzek's view, discourses offer both constraints and resources (Dryzek and Holmes, 2002:17). This means individuals themselves can play an active role in shaping discourses, and thus identities, through their own contests and interactions. In other words, identities are not immune to change. They are always open to being modified and re-configured through various forms of collective and individual action.

As Dryzek notes, understanding identity differences in terms of contestation across discourses in the public sphere has several advantages in the face of identity conflicts (Dryzek, 2000:75). A shift of focus from identities to discourses can, most importantly, open up a way of resolving issues that seem intractable. The core idea here is that if identities are not the product of cultures but of discourses, then identity conflicts are a product of discourses. In practice, this means moving away from an understanding of identity conflicts as conflicts occurring between internally homogenous and incommensurable cultures and towards one that views such conflicts as discursive contestations. When intercultural conflicts are conceived this way, the solution to such conflicts entails a process of discursive engagement in the public sphere where the convergences between different discourses can be identified. This engagement occurs as a diffuse process of collective interpretation and potentially leads to the emergence of common story-lines and 'discourse coalitions' between seemingly conflicting discourses (Dryzek, 2000:78).<sup>2</sup> It is through such discursive engagement that conflicting parties can find 'mutually acceptable ways of cooperating and continuing to exist with one another' (Benhabib, 2002:145). Dryzek tells us that such outcomes are difficult to

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<sup>2</sup> Dryzek uses the example of discursive contestations over the issue of environmental justice in the United States. He shows how engagement across competing discourses has led to the emergence of new alliances among those who are at first subscribed to competing discourses. Kanra (2009) draws a similar conclusion in his study of discursive contestations between Islamic and leftist discourses in the Turkish public sphere. He shows how engagement across these discourses has led to a discourse coalition organized around an individual rights paradigm.

achieve when the democratic exchange remains focused on identities. He argues that ‘if identities themselves are highlighted, exchange is more likely to freeze identities than convert them’ (Dryzek, 2005:221).

In this context it is important to note that although Dryzek places a strong emphasis on the contestation of discourses in the public sphere, in his view a meaningful democratic exchange also requires reaching a point of stabilization. In other words, it is important that discursive contestations are not endless and open-ended processes, but produce some sort of agreement among conflicting parties (Dryzek, 2000:58f, 78).<sup>3</sup> This is precisely what discursive democracy aims to secure, even in the face of the toughest identity conflicts. He illustrates the capacity of this approach for handling such conflicts in the context of divided societies. Yet, his account also provides illuminating insights for understanding and overcoming identity conflicts in multicultural societies. These societies share many characteristics with divided societies when it comes to the question of identity. For Dryzek, the main problem in divided societies is that, in such societies: ‘one identity can only be validated or, worse, constituted by suppression of another’ (Dryzek, 2005:219). When identities are defined in a mutually exclusive manner, there often seems to be no common ground upon which a meaningful dialogue between conflicting identities can be established.

According to Dryzek, discursive democracy can help overcome this problem, provided that three conditions are met. The first condition entails: ‘decoupling the deliberative and decisional moments of democracy, locating deliberation in engagement of discourses in the public sphere’ (Dryzek, 2005:220). He contends that, when identity conflicts are at stake, the pressure of decision-making may easily turn a democratic process into a contestation of identities, with the effect of freezing those identities. He thus prefers locating deliberation in the public sphere. Here, deliberation works as a diffuse process and promises to transform conflicts into ‘working agreements’ between conflicting identities (Dryzek, 2000:170).<sup>4</sup>

The second condition Dryzek suggests for deliberation to occur in the face of identity conflicts is more demanding than the first one. It is also the condition that indicates the limits of his deliberative approach in accommodating identity differences and resolving

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<sup>3</sup> Dryzek makes this point clear particularly in his criticism of scholars with agonistic aspirations, such as Chantal Mouffe. He argues that these scholars treat identities and their associated differences as a matter for continuous exploration and as an open-ended play. They provide no concrete suggestions in terms of how collective decisions are to be made, or how social problems are to be solved (Dryzek, 2000:58f, 78).

<sup>4</sup> Dryzek borrows the term ‘working agreement’ from Eriksen (1999).

identity conflicts. This condition suggests that, when identity claims are at stake, discursive engagement should focus on the specific needs of individuals or groups, rather than their general values. In other words, collective deliberations should focus on 'the practical questions of how to live together', rather than on 'the validation of the identity of different others' (Dryzek and Dunleavy, 2009:196). A focus on general values, he argues, may easily turn deliberation into 'head-on confrontation', with the effect of polarizing identities at stake. He argues for shifting the focus of the deliberative engagement from general values to the specific needs of individuals and groups to help ensure that discursive engagement does not end in hostility (Dryzek, 2005:225).

The third condition Dryzek emphasises is closely related to the second one. It simply requires participants both to distinguish between their special needs and general values, and also to frame their special needs by referring to some more general principle. This, he argues, is not a big ask as 'particular needs are often amenable to expression in terms of more general principles' (Dryzek, 2005:225). The claims put forward in the course of public deliberation 'must be capable of resonating with individuals who do not share that situation—but do share other characteristics (if only a common humanity)' (Dryzek, 2000:69). Dryzek illustrates this point using the example of the headscarf controversy in Turkey where women wearing headscarves have long been denied admission to secular universities. In his view, the demand to wear a headscarf can be framed in terms of either general values or specific needs. While the former diverts our attention to the value conflicts between Islamist and secular groups, the latter emphasises, for example, the education needs of young women in terms of universal human rights. In doing so, it makes the issue appear less intractable and enhances the possibility of agreement between Islamist and secularist groups in this country.

Although I endorse Dryzek's attempt to secure the prospects of agreement and cooperation across divided identities, his proposal to restrict discursive engagement to the specific needs of individuals requires careful consideration. As noted before, Dryzek's deliberative account clearly favours those who are capable of distinguishing between their special needs and general values. In other words, it favours participants who are capable of distinguishing between 'what they want' and 'who they are'. This distinction can, of course, be very difficult to make in the face of identity claims. Some minority groups, most notably religious or aboriginal groups, may find it difficult to separate their special needs from their cultural convictions. Consider, for example, the

Aboriginal demands over logging and fishing. As Kahane rightly argues, these demands are not only about universally generalisable claims, such as the need for access to natural resources. They are about the 'culturally specific conceptions of the human relationship to the natural world' (Kahane, 2004:28). In this context, whether Dryzek intends it or not, his insistence on specific needs has the effect of silencing those who are unable to distinguish their special needs from the general values they hold. In addition, asking cultural minorities to put their cultural convictions aside and focus instead on their specific needs may bring us back to the Rawlsian rules of deliberation discussed in the previous chapter.

By pointing out these difficulties, my aim is not to reject Dryzek's account; rather, I want to draw attention to some of its limitations that become evident in the face of identity claims and intercultural conflicts. The primary concern for Dryzek is to define the conditions under which individuals, despite their identity conflicts, can continue to cooperate with each other and make collective decisions. Concerns about resolving identity conflicts are present, but ultimately secondary to his analysis. In addition, his deliberative approach seems to be tailored only for the situations in which those with conflicting identities have enough overlap in their vocabulary of needs to begin conversation. The deliberative democratic approach I suggest in this chapter aims to expand Dryzek's approach to encompass those situations in which linking the particular experience of an individual or group with some general point or principle seems impossible. For Dryzek (2000:69), 'if an individual's story is purely about that individual then there is no political point in hearing it'. In my view, there are still good reasons to include particularistic viewpoints in public deliberation. As Michael Morrell (2010:168) argues, some individual stories may not immediately connect with more general issues in discussion, but such connections may become visible in the future. I will come back to the benefits of including particularistic viewpoints in public deliberation after I consider the deliberative approach for cases of cultural conflicts suggested by Deveaux.

### **3.2. Shift from identities to interests: Deveaux's amended model of deliberation**

From a perspective of deliberative democracy, Deveaux has provided the most extensive treatment of cultural conflicts (Deveaux, 2000; 2003; 2006). Similar to Dryzek, Deveaux points out the limitations of the Rawlsian and Habermasian

conceptions of deliberation in meeting the demands of plural societies. In her view, if deliberative democracy is to contribute usefully to strategies for the accommodation of cultural minorities, it needs to be modified in three important ways.

The first modification she suggests entails expanding the terms of inclusion and participation in public deliberation. This, she notes, is simply required by the principle of democratic legitimacy. If collective decisions are to claim democratic legitimacy, no 'stakeholders'<sup>5</sup> should be prevented from 'participating in deliberation or from attempting to (democratically) influence' those decisions (Deveaux, 2006:90). In order to ensure wide political inclusion, she suggests expanding the scope of democratic activity. She argues that 'rather than locating the source of democratic legitimacy strictly in formal public deliberation', we should also take informal forms of democratic expression and activity into account as the basis of democratic legitimacy (Deveaux, 2006:95). This entails activities such as protest, resistance, contestation, retrieval and reinvention, in the private and social realms speaking to the legitimacy or illegitimacy of cultural claims in question.<sup>6</sup> Although crucial, such activities are usually rendered invisible either by deeply hierarchal relationships within cultural groups,<sup>7</sup> or as a result of 'oversimple distinctions drawn between social and family life on the one hand and public, political life on the other' (Deveaux, 2003:782). These distinctions, Deveaux argues, narrow the range of choices open to public discussion. In her view, political institutions in liberal societies can help counter the invisibility of informal forms of democratic activity 'by supporting the safe public articulation of concerns and cultural expressions both within cultural communities and wider society' (Deveaux, 2006:96).<sup>8</sup> However, she notes this is not to suggest that informal democratic activity always

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<sup>5</sup> Deveaux borrows the term 'stakeholders' from scholars of associative democracy but uses it in a more general sense than they do. In her account, stakeholder means 'anyone with a demonstrable and direct interest in the outcome of political deliberation' (Deveaux, 2006:91).

<sup>6</sup> According to Deveaux (2006:16), informal democratic activity can be identified 'in homes, schools, places of worship, and religious training of traditional communities; in social practices around marriage, birth, and the initiation of young people into adulthood; and in the provision of community and social services (e.g. domestic abuse centers run for and by women from traditional cultures)'.

<sup>7</sup> Deveaux (2003:801f) notes that 'nonliberal social groups', for instance, 'may be marked by deeply hierarchical relationships that make it difficult to see signs of resistance or democratic activity. Such deep hierarchies certainly pose challenges to the fair and representative inclusion of group members in deliberations about contested cultural practices, but they do not warrant suspending the norm of democratic legitimacy altogether'.

<sup>8</sup> According to Deveaux (2006:116), the institutional support for expanding democratic activity entails, for example, 'state initiatives, such as economic reforms empowering women, or legislation and court decisions overturning sex discrimination in inheritance and divorce. Government funding for social and community services, local media sources with a broadly democratic outlook, and community groups that foster debate about the changing face of cultural practices, are a few more examples of ways in which the liberal democratic state can directly facilitate the expansion of spaces of democratic activity'.



requires institutional support. Resistance to state can also be seen as a form of informal democratic activity (Deveaux, 2006:109).

The second amendment Deveaux suggests requires expanding the rules of public deliberation in ways that allow participants to express their strategic interests. She is critical of the tendency within deliberative democratic theory to see deliberative and interest politics as mutually exclusive alternatives. Deliberative democrats, particularly those following Habermas,<sup>9</sup> suggest that deliberative decision-making should not be reduced to 'strategic bargaining' and 'trade-offs'; it should rather be oriented towards mutual understanding.<sup>10</sup> This requires participants to translate their strategic interests into moral arguments by appealing to more general principles. Deveaux rejects this version of deliberative democracy and argues that this condition might have a 'distorting effect on the actual issue and conflicts at stake' (Deveaux, 2006: 103). The Habermasian view, she argues, invites participants to see their conflicts in a moral light and encourages them to present their claims in terms of moral differences and beliefs although in reality such claims may have more to do with the 'concrete needs and interests' of group members (Deveaux, 2006: 103). Taking this into consideration, in Deveaux's view, an amended model of deliberation should make it possible for strategic kinds of concerns to come to the surface in deliberative forums' (Deveaux, 2006:101). In these forums, reason-giving should 'not be restricted to normative claims, nor privilege identity claims, but rather should permit—and even at times foreground—the strategic and pragmatic concerns and needs of cultural members' (Deveaux, 2006:106).

Deveaux's emphasis on strategic interests stems from her understanding of cultural conflicts. In her view, cultural conflicts are often about the strategic interests of factions of cultural communities. Yet attempts to resolve cultural conflicts by foregrounding participants' identity claims and consequently bracketing their strategic interests wrongly assumes that cultural conflicts are necessarily about deep differences of value. Admittedly, she notes, this may well be the case for some conflicts, but in reality, deep

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<sup>9</sup> Habermas makes a distinction between communicative action and strategic action. On his account, deliberative politics require communicative action with a strong orientation towards mutual understanding. Interest politics, in contrast, is about strategic actions of individuals who aim to maximize their self-interests. For further elaboration of this point, see Habermas (1996), chapter 4.

<sup>10</sup> The distinction Valadez draws between deliberative and interest politics summarizes the position taken by most deliberative democrats. He writes: 'What makes public deliberation distinct from other forms of negotiation such as bargaining and market behaviour is that, while the latter take for granted that participants are primarily motivated by maximizing of their self-interest, in the former participants have to make a genuine commitment to reach a position that takes into account the needs of the larger political community and that may involve compromise and the overriding of one's self-interest' (Valadez 2001, cited in Deveaux, 2006:105).

value conflicts are rarer than are often supposed.<sup>11</sup> To assume that cultural conflicts are necessarily moral conflicts is ‘to risk misconstruing what is actually at stake’, namely the strategic interests of individuals and groups (Deveaux, 2006:105).

In this context, the solution Deveaux suggests entails revealing the strategic interests behind cultural claims in deliberative forums. This requires a model of democratic deliberation that allows strategic interests to become ‘a valid focus for dialogue, negotiation, and political compromise’ (Deveaux, 2006:102).<sup>12</sup> To illustrate her point, she takes the example of a religious claim that insists girls should receive different (religious) schooling to boys. She argues that rather than focusing on the moral dimension of this claim, that is, whether or not it is required by a particular religion or culture, a democratic deliberation should aim to bring the strategic interests behind this claim into sharper focus. It should help reveal that it is not the culture *per se* that fuels this claim, but ‘the desire to maintain a traditional family structure and a gendered domestic division of labor—with all the power and conveniences that brings’ (Deveaux, 2006:104). A shift of focus from moral arguments to the strategic interests of individuals also helps to reveal the intracultural diversity that exists within each culture. This brings us to the third amendment Deveaux suggests if deliberative democracy is to contribute usefully to the strategies for accommodating cultural diversity and resolving cultural conflicts.

The third amendment Deveaux suggests entails moving the emphasis from inter-cultural to intracultural differences in understanding and responding to cultural conflicts. As noted before, the basic premise upon which Deveaux develops her account is that cultures are not profoundly different from each other. In other words, there are very rarely deep moral differences between cultures. Given this, in her view, focusing on intercultural differences is not the best way to address cultural conflicts. This would only distract us from the actual issue at stake and invite us to view cultural groups as internally homogenous entities with fundamentally irreconcilable differences. Deveaux suggests focusing instead on the intracultural differences and conflicts over different interpretations of culture and cultural practices. Rather than putting trust, say, in an ‘official’ group spokesperson, her amended model of deliberation emphasises the need to take a plurality of viewpoints into account. This requires, she argues, empowering

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<sup>11</sup> For a similar account of cultural conflicts, see Phillips (2010:43-6).

<sup>12</sup> For a similar argument emphasising the need for allowing strategic interests in public deliberation, see also Mansbridge et al. (2010).



minority women and facilitating critical debate about established cultural norms and practices (Deveaux, 2003:790). As noted before, she believes that public institutions in multicultural societies can assume a central role in initiating and facilitating this debate.

Taken together, Deveaux's amendments aim to broaden the terms of inclusion and reason-giving in public debate and deliberation. Additionally, she emphasises the need for some procedural constraints in order to 'avoid or reduce the problem of internal domination—the silencing of some persons in dialogue about cultural disputes' (Deveaux, 2006:113). As well as the norm of democratic legitimacy, which demands that all affected by decisions should be included in the making of them, the procedures of deliberation should also be bound by the principles of non-domination and revisability. The principle of non-domination aims to ensure that traditional cultural leaders or elites do not 'silence dissenters through pressure tactics or more overt forms of oppression' (Deveaux, 2006:114). Revisability is about keeping every resolution open to further democratic dissent and renegotiation. It ensures that 'participants and groups understand that if and when they need to redress problems or settlements it will be possible to do so' (Deveaux, 2006:116).

The principle of revisability becomes particularly important in the face of culturally contested issues. It is well-suited to the changing nature of cultures and cultural arrangements. It guarantees that decisions over cultural practices are not set in stone; what is decided today can be challenged and resettled by members of the same cultural community in the future. The principle of revisability thus counteracts the essentialist consequences of identity politics. Furthermore, it also helps us move away from a narrowly-conceived politics of recognition which, as discussed in the previous chapter, is about reaching final and definitive answers over culturally controversial issues. If a deliberative approach is to go beyond the conventional understandings of multiculturalism, it should emphasise the need for viewing collective decisions related to the identity claims of cultural groups as provisional arrangements rather than as definitive resolutions.<sup>13</sup>

### **3.3. Deep disagreements and the limits of the pluralist deliberative approach**

As noted before, there are important parallels between the deliberative accounts of Dryzek and Deveaux. One similarity that stands out is that both theorists take the

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<sup>13</sup> On the significance of revisability in deliberative democratic theory, see also Gutmann and Thompson (1996:26) and Festenstein (2005).

Habermasian notion of deliberative democracy as their starting point and build upon it. Unlike Habermas, however, both Dryzek and Deveaux acknowledge that culture has an important bearing on the communication and reasoning styles of individuals and groups. Taking this into account, both scholars suggest expanding the entry conditions and rules of public deliberation and in this way reducing the burdens imposed upon cultural communities. As we have seen, Dryzek suggests allowing various forms of communication, in addition to rational argumentation, into public deliberation and Deveaux suggests making strategic interests a valid focus of deliberation. By undertaking these amendments, both scholars aim to make deliberative democracy a viable option in culturally diverse societies. However, they do not fully achieve this goal. When we consider the deliberative solutions they suggest in the context of the most pressing problems in culturally diverse societies, their limitations become obvious. One such problem concerns the issue of illiberal cultural claims and the deep disagreements that they create between minority and majority cultures.

Deep disagreements are those 'in which none of the contending parties are able to advance reasons as part of an argument that would compel their opponent to accept their position, thereby securing assent' (Adams, 2005:68). We see various examples of such disagreements in culturally diverse societies, particularly in the face of illiberal cultural claims. Consider, for example, the disagreements that emerge between minority and majority cultures in the cases of forced marriages, cliterodectomy or 'honour killings'. In these cases, we see two set of voices: one condemning 'backward' cultures and the other defending them. These voices 'appear to have no ground in common, on the basis of which a conversation between them might take place' (Sen, 2005:52). How can we approach these disagreements from a perspective of deliberative democracy?

Most advocates of deliberative democracy argue that there is usually nothing to discuss or deliberate when cultural demands violate liberal values, however variable their interpretations of them may be (Gutmann, 2003; Gutmann and Thompson, 1996; Quong, 2002; Valadez, 2001). They insist that certain substantive liberal principles are non-negotiable; they should simply be taken as normatively prior to deliberation. Amy Gutmann, for example, argues that only those claims that defend the principles of 'equal freedom, opportunity and civil equality' can be subject to public deliberation (Gutmann,

2003:43).<sup>14</sup> Similarly, Benhabib insists that norms governing the procedures of deliberation cannot be neutral; they should be in line with the fundamental principles of liberalism. In her view, this means that the claims put forward in the course of public deliberation should be in line with universal norms, such as a framework for universal human rights, respect for persons, justice and egalitarian reciprocity (Benhabib, 1992:45-46).<sup>15</sup>

In contrast to these scholars, neither Dryzek nor Deveaux emphasises the need for participants' claims to be consistent with liberal norms and principles, at least not explicitly. Both scholars define the boundaries of acceptable claims much more broadly than either Gutmann or Benhabib. Dryzek argues that no discourses should be ruled out in advance on the grounds that they are 'antithetical to effective deliberation' (Dryzek, 2000:168). His point is that even if we rule them out, such discourses will continue to prevail in the public sphere. We cannot, he argues:

abolish prejudice, racism, sectarianism, and rational egoism by forbidding their proponents from public speaking. A model of deliberative democracy that stresses the contestation of discourses in the public sphere allows for challenge of sectarian positions, as it allows for challenge of all kinds of oppressive discourses. Indeed, if there were no such oppressive discourses to challenge, a vital democratic life in the public sphere would be hard to imagine (Dryzek, 2000:168f.).

Similarly, Deveaux maintains that we cannot rule out some claims prior to deliberation just because they are at odds with liberal principles. In her view, if such claims are crucial in the dispute, then:

they need to be put on the table where they can be discussed, evaluated, and contested... Instead of insisting that arguments made in the course of deliberation must cohere with a particular conception of individual equality, then it could be instructive

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<sup>14</sup> One example Gutmann and Thomson use to illustrate their point is the claim put forward by a group of Christian families in 1983 in Hawkins County (Tennessee, USA) to the County's Board of Education. This group requested that their children not be required to read various books (about several major religions in the world) because the books violated their religious beliefs. According to Gutmann and Thompson (1996:65), such claims 'can and should be rejected by citizens of a pluralist society committed to protecting the basic liberties and opportunities of all citizens'.

<sup>15</sup> According to Benhabib (1992:107): 'In democratic politics nothing is really off the agenda of public debate, but there are fundamental rules of discourse which are both constitutive, and regulatory in such a matter that, although what they mean for democratic give and take is itself always contested, the rules themselves cannot be suspended or abrogated by simple majoritarian procedures'.

and worthwhile to permit such beliefs to be presented and contested in political deliberation (Deveaux, 2006:220).<sup>16</sup>

We can see that both Dryzek and Deveaux envision public deliberation in broadly inclusive terms. So, in principle, their accounts seem to be suitable for accommodating illiberal claims and resolving the deep value conflicts these claims generate between minority and majority cultures. Nevertheless, neither Dryzek nor Deveaux sees public deliberation as a solution to deep value conflicts. This stems from their shared scepticism toward consensus-oriented notions of deliberative democracy on the one hand, and conflict-oriented (agonistic) understandings of democratic politics on the other.<sup>17</sup>

Both Dryzek and Deveaux argue that reaching a thick normative consensus on shared values is neither possible nor desirable in culturally plural societies. However, for neither scholar does this mean that we should envision democratic politics in terms of open-ended conflicts and contestations, as the scholars of agonist pluralism do. Neither Dryzek nor Deveaux denies the importance of contestation for democratic politics. Yet on their accounts, it is equally important to ensure that democratic contestation does not remain open-ended. It should occur with the aim of reaching some sort of agreement.<sup>18</sup> According to both scholars, this requires focusing on what is negotiable; namely interests or needs, but not values.

By shifting the focus away from values, both Dryzek and Deveaux safeguard the prospect of reaching some sort of agreement, even in the face of toughest value conflicts. In Dryzek's account, this takes the form of a 'working agreement'—enough of an agreement on what needs to be done to solve a given problem. This requires participants to agree 'on a course of action, but for different reasons' (Dryzek, 2000:170). Similarly Deveaux argues that deliberation 'is not expected to yield any thick normative consensus on shared values, or to dissolve moral disagreements'

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<sup>16</sup> Deveaux's approach has been criticised by other feminist democratic theorists. Baumeister (2009), for example, argues that by broadening the entry conditions of public deliberation, Deveaux fails to ensure the central goals of the feminist project. She argues that 'while Deveaux's democracy approach promises to enable the diverse voices of women to be heard, Deveaux struggles to define conditions for democratic participation that are substantive enough to safeguard the central goals of her feminist project and yet respect the diversity of women's actual choices, values and cultural attachments' (Baumeister, 2009:261).

<sup>17</sup> For Deveaux's criticism of agonist notions of politics and democracy, see Deveaux (1999); for Dryzek's account on agonism, see Dryzek (2005).

<sup>18</sup> Dryzek (2005) argues that democracy can 'combine critical engagement' agonists emphasise with the process of collective decision-making, if it differentiates between the independent public sphere as the place of contestation that has loose ties to formal political institutions that are the sites of collective decision-making.

(Deveaux, 2006:118). It should be designed with the aim of reaching 'negotiation' and 'compromise' between conflicting interests (Deveaux, 2006:98).

It is sensible to narrow the focus of deliberation to the issues that hold promise for yielding convergence and compromises between conflicting parties. Multicultural societies can obviously benefit from deliberations that result in 'working agreements' or compromises. However, the production of such outcomes depends on, and assumes, a certain type of participant. We have seen that neither Dryzek nor Deveaux insists that participants and their claims should be 'reasonable' in a Rawlsian sense, or 'rational' in a Habermasian sense. This, however, does not mean that they allow deliberation to be open to anything or anybody. Although they emphasise the need for including all viewpoints in public deliberation, their accounts are tailored only for the inclusion of those who are capable of distinguishing between their needs/interests and identities/culture. In other words, both scholars privilege self-reflective agents who can not only differ between 'what they want' and 'who they are', but also reframe their claims in terms of specific needs or self-interests. These seem to be highly demanding criteria. It may be easy for Deveaux, as a feminist democratic theorist, to distinguish between the moral and strategic dimensions of cultural claims and to show that what are actually at stake are the patriarchal interests of dominant groups. Yet cultural groups may find it difficult to treat their deep commitments as measurable interests. In fact, as James Bohman rightly argues: 'if members of a culture could treat their deep commitments like negotiable interests or shifting preferences, there would be no deep conflict' (Bohman, 1995:268).

Dryzek's formulation of the conditions for democratic deliberation is arguably much more demanding than that of Deveaux. As it stands, Dryzek's account also excludes those who are not refined enough to speak to the experiences of the general public. Dogmatic, extremist, fundamentalist positions have no place in Dryzek's framework as these positions are likely to fail the generalisability test his account requires. Deveaux appears more open than Dryzek to allowing people to voice their own perspectives on their own terms, regardless of whether those terms can connect the particular to the general. For Deveaux, the particularistic nature of such claims is not problematic; they may as well be part of deliberation provided that they are framed as the strategic interests of those who represent them. Overall, both Dryzek and Deveaux secure the prospect of agreement by excluding those with stubborn and recalcitrant viewpoints

from public deliberation. In doing so, they abnegate the hope that those representing such perspectives might undergo attitudinal shifts through dialogue and engagement.

By pointing out these difficulties, my aim is not to reject Dryzek's or Deveaux's account of public deliberation, rather I want to draw attention to some of the limitations which become evident when we consider their accounts in the context of deep value conflicts in multicultural societies. If deliberative democracy is to offer an alternative response to conflicts in multicultural societies, it should keep the entry conditions to deliberation as broad as possible (Ayirtman Ercan 2011a). In fact, both Dryzek and Deveaux aim to do so. However, various other constraints which they suggest stand in tension with the principle of inclusion, understood broadly. A more inclusive approach requires not only expanding the entry conditions to deliberation, as Dryzek and Deveaux suggest, but also broadening the rules of reason-giving in the course of public deliberation. Deveaux's approach takes a promising step in this direction, yet like Dryzek, her account fails to include those with dogmatic and recalcitrant viewpoints.

In this context, my claim is that if deliberation is to remain democratic, it should also include those with dogmatic and recalcitrant viewpoints.<sup>19</sup> In order to substantiate this claim, I engage with the following questions: What does it mean to include those with dogmatic viewpoints in public deliberation? How exactly should we conceptualize those holding illiberal cultural views? How should we conceive deliberation with them—where should it take place, who should participate and what should we expect from it? We can begin addressing these questions by giving greater attention to the insights gained from agonistic democracy, a strain of democratic theory advanced by political theorists such as Bonnie Honig, William Connolly, Chantal Mouffe and James Tully. By looking at the strategies agonists suggest, especially in terms of dealing with deep value conflicts, we may be able to sharpen the agonistic edge of the deliberative approach and broaden the terms of inclusion in public deliberation.<sup>20</sup>

### **3.4. Expanding the terms of inclusion in public deliberation: Insights from agonistic pluralism**

Agonistic pluralism, or simply agonism, problematises exclusion and marginalisation in pluralist societies and offers 'a range of contestational political strategies through which

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<sup>19</sup> For a similar argument in the context of 'honour killing' debates, see Ayirtman Ercan (2011b).

<sup>20</sup> In what follows, I do not aim to provide a comprehensive overview of the existing agonistic approaches. My interest in agonistic approach is limited to how insights from agonism can be utilized in a deliberative approach.

exclusions, marginalisations, and states of domination can be problematised, resisted, and possibly altered' (Shinko, 2008:476). The strength of this approach lies in its aspiration to broaden the terms of inclusion and participation in pluralistic societies. Agonists remain particularly attentive to those perspectives which liberals or deliberative democrats deem as unreasonable, irrational or dogmatic. Deliberative models, agonists argue, 'create "remainders" in the democratic arena that remain unacknowledged and denied a stake in the conversation' (Goi, 2005:62).<sup>21</sup> In order to counteract this, agonists suggest engaging with the perspectives of those we deem to be 'dogmatic, intolerant, and unreasonable' (Glover, 2011b) The idea is that rather than urging citizens to set aside their unpopular perspectives, we should extend democratic practices in ways that facilitate their expression along with disagreements they have with each other.

This rather welcoming attitude agonists display toward odious perspectives stems mainly from their understandings of politics. Agonists are well aware that allowing perspectives with which the mainstream feels uncomfortable may entrench the existing disagreements in plural societies. This, however, does not present a problem for them. In their view, conflict is not only inevitable but also desirable within democratic politics (Shinko, 2008:478). Agonists believe that particularly in culturally plural societies, conflict can contribute to political stability rather than undermining it (Iverson, 2002:92).<sup>22</sup>

If conflict is something we should value, agonists argue, democratic politics should not try to eradicate it. Any attempt to eliminate conflict completely, they suggest, raises the possibility of oppression and exclusion (Little, 2007; Mouffe, 2000b). Given this, from an agonistic perspective, the main task of democratic politics should be to mediate conflict in such a way that 'the other' is not perceived as an 'enemy' but as an 'adversary', that is: 'somebody whose ideas we combat but whose right to defend those ideas we do not call into question' (Mouffe, 2000b:126). In Mouffe's words, democratic politics should seek to transform 'antagonism' into 'agonism' (Mouffe, 2000a:103). This means envisioning those with whom we fundamentally disagree not as enemies 'to

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<sup>21</sup> Goi (2005) notes the notion of 'remainders' was originally developed by Bonnie Honig in *Political Theory and the Displacement of Politics* (Ithaca: Cornell University Press, 1993), and "Difference, Dilemmas, and the Politics of Home," in *Democracy and Difference*, 257-77.

<sup>22</sup> According to Iverson (2002:92), 'The "positive residue" of conflicts that is left behind is the experience of living in a society that learns to cope with its conflicts. Social cohesion thus becomes a byproduct of certain kinds of disagreements'.



be destroyed' but as adversaries: 'that is somebody whose ideas we combat but whose right to defend those ideas we do not put in question' (Mouffe, 2000a:101f.).<sup>23</sup>

The distinction Mouffe draws between these two forms of conflict offers a useful way of thinking about intercultural conflicts in multicultural societies. These conflicts often display strong elements of antagonism, particularly when they entail illiberal groups who fall outside the paradigm of 'good liberal citizens' such as extremists or religious fundamentalists (Malik, 2008:91). The question of whether conflicts with such groups are defined in terms of antagonism or agonism has important implications for their solution. While antagonistic conflicts call for legal means, those defined through agonism emphasise the need for democratic engagement between adversaries. In my view, Mouffe rightly argues that culturally plural societies can benefit greatly from providing the conditions under which antagonism can turn into agonism and enemies become adversaries. But, what exactly are the conditions that enable such transformation? Mouffe herself does not provide any satisfactory answer to this question. She emphasises only 'equality' and 'liberty' as the necessary conditions for treating enemies as adversaries (Mouffe, 2000a:100-103).<sup>24</sup>

A more compelling answer to the question of how to transform antagonism into agonism is provided by William Connolly. According to Connolly, democracies can avoid the degeneration of conflict into antagonism by securing 'a positive ethos of engagement between diverse, interdependent constituencies' (Wenman, 2008:202). This requires citizens of plural societies to develop 'twin virtues': 'agonistic respect' and 'critical responsiveness' (Connolly, 2002:xxviii). Agonistic respect, Connolly notes, is a 'kissing cousin' of 'liberal tolerance', yet at the same time, it is substantially different from liberal tolerance (Connolly, 2005:123). While liberal tolerance presumes the superiority of majority identity, and thus does not ask the majority to question its own position, agonistic respect requires 'comparison and critical negotiation' between majority and minority identities (Connolly, 1993:382). Agonistic respect is based on the acknowledgement that 'our encounter with the other is always conditioned by the interpretive framework (or identity) we bring to it' (Schaap, 2006:269).

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<sup>23</sup> Mouffe (2000a:13) argues that a relation is antagonistic when there is 'no common symbolic space' between conflicting parties, while it is agonistic when they 'share a common symbolic space' but 'want to organize it in a different way'.

<sup>24</sup> For a criticism of Mouffe on this point, see also Erman (2009). Here, Erman argues that for Mouffe, the transformation from antagonism into agonism seems to be 'a moral choice that can be neither explained nor grounded' (Erman, 2009:1049).

As Connolly (1993:382) puts it, agonistic respect is a process by which:

each party comes to appreciate the extent to which its self-definition is bound up with the other and the degree to which the comparative projections of both are contestable... It 'cuts' deeper than tolerance because it folds contestation into the foundations of the putative identity from which liberal tolerance is often derived and delimited.

Connolly notes that agonistic respect goes hand in hand with critical responsiveness. The latter emphasises the need for:

careful listening and presumptive generosity to constituencies struggling to move from an obscure or degraded subsistence below the field of recognition, justice, obligation, rights, or legitimacy to a place on one or more of those registers (Connolly, 2005:126).

What makes the principle of responsiveness 'critical' is that it invites questioning of one's own position. In other words, responsiveness is not secured by *a priori* established codes or criteria of judgement (Connolly, 2005:127). Rather, critical responsiveness requires that we accept the contingency of our identity, beliefs and moral foundations. It is also 'critical' in the sense that it does not accede to every claim that is put forward in the course of a democratic contestation. In practice, critical responsiveness means taking all viewpoints seriously yet making them subject to critical scrutiny. While agonistic respect creates a political space for the expression of 'unpopular' viewpoints, critical responsiveness aims to prevent this space 'from becoming a sphere within which liberalism becomes a dogma' (Malik, 2008:92).<sup>25</sup>

Given these characteristics, in my view, Connolly's notion of agonistic respect offers an important conceptual tool for expanding the terms of inclusion in public deliberation. Yet critics of Connolly raise concerns about the compatibility of Connolly's agonistic framework with the deliberative democratic approach. Dryzek, for instance, criticises Connolly for failing to offer an account that is oriented towards producing 'collective outcomes in problem-solving contexts' (Dryzek, 2000:73). This, Dryzek argues, puts the compatibility of Connolly's approach with the deliberative approach in question. Dryzek is right in emphasizing the need for reaching collective outcomes as a result of public deliberation. His criticism holds for the agonists in general and for Mouffe in

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<sup>25</sup> As Schaap (2006:269) puts it, agonistic engagement requires 'an openness to listen to who appear to us as unreasonable and a willingness to question what counts as reasonable speech'.

particular.<sup>26</sup> However, it does not necessarily apply to Connolly's concept of agonistic pluralism. It is important not to conflate Connolly's approach with other accounts of agonism. In fact, it is Connolly himself who tells us to not to do so.

In the expanded edition of his seminal book *Identity/Difference* (2002), Connolly makes an important distinction between his account of agonistic respect and agonistic democracy in general. The main difference between these two models, he argues, lies in the way they conceptualize politics and democratic contestation. In an agonistic democratic model, Connolly tells us: 'no positive social vision is enunciated and contestation takes priority over every other aspect of politics' (Connolly, 2002:xxv). Connolly himself does not take the extreme agonistic position that sees all political struggles forever open and resistant to closure or negotiation.<sup>27</sup> His notion of agonistic respect aims to facilitate democratic contestation with the sight of arriving at negotiations and settlements (Connolly, 2002:xii). He believes that by displaying agonistic respect toward one another, conflicting parties can realize the contestability of their own ethical and moral sources and may begin negotiating with each other.

In this sense, the concept of agonistic respect is perfectly compatible with a deliberative democratic framework. It offers a significant medium for overcoming the limitations of the pluralist deliberative approach discussed above. Based on this concept, we can conceptualize the principle of inclusion in significantly broader terms than the pluralist deliberative democrats would allow. At this point, sceptics may question the nature of this inclusion and ask whether the conditions Connolly suggests are any less demanding than those deliberative democrats ask for, such as reciprocity or generalisability. Connolly notes that cultivating an ethos of pluralisation based on agonistic respect will be a challenge for democratic societies (Glover, 2011a:93). Nevertheless, he believes that this can be reached by allowing participants to express themselves in their own terms, rather than by forcing them to frame their claims in terms that satisfy the principle of reciprocity. The idea here, as articulated by Simona Goi (2005:81), is: 'it is only through the practice of agonal engagement that citizens can sustain the belief in the importance of participation' in democratic politics.

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<sup>26</sup> Mouffe (1999:755) explicitly argues that agonistic contestations should always be looked upon as 'temporary respites in an ongoing confrontation'. This means that we cannot expect to reach a point of stabilization as a result of democratic contestation.

<sup>27</sup> See also Connolly's interview with Schoolman and Campbell (2008a:315) for the distinction he makes between agonistic respect and agonistic democracy.

Overall, what makes Connolly's account more inclusive and therefore appealing for the perspective I take in this chapter is that Connolly rejects drawing a 'definitive line in advance between acceptable and unacceptable candidates' of democratic contestation (Wenman, 2008:210). This, however, does not mean that Connolly offers a mode of political discourse without any limits or exclusion (Glover, 2011a). In fact, Connolly (2002:xxix) admits that there will be limits to pluralism, but the main point is: '*we often do not know with assurance exactly what those limits must be*' [emphasis in original]. Connolly broadens the terms of inclusion by shifting the focus from 'entry conditions' to the 'process' of democratic contestation. The aim here is to provide 'a framework for public debate rather than agreement on a set of universal values' (Malik, 2008:92). In what follows, I want to suggest one such framework for engaging with illiberal cultural claims in multicultural societies. I will then apply this framework to analyse the public and policy debates on 'honour killings' in multicultural societies.

### **3.5. A deliberative approach to illiberal cultures: From theory to practice**

A model of deliberative democracy that is equipped to deal with illiberal cultural claims requires considerably fewer constraints and allows much more moral disagreement in deliberation than either Dryzek or Deveaux permit. Before moving on to examples of illiberal cultural claims and the deep disagreements they cause between minority and majority cultures in culturally diverse societies, let me briefly recapitulate the cornerstones of the expanded deliberative approach I defend here.

To start with, following Dryzek, I suggest conceptualizing deliberation in macro-political terms as society-wide dispersed communication. When seen from this perspective, a public sphere encompassing multiple publics constitutes the key site of public deliberation. However, this is not to suggest that we should focus solely on deliberations within the public sphere and pay no attention to the structured forums that are designed to settle conflicts about cultural practices. A macro-deliberative approach does take these forums seriously, yet it suggests conceiving them as surrounded and impacted by their broader contexts (Hendriks, 2006). There is no doubt that when designed carefully, the structured forums can help resolve cultural conflicts and reduce prejudice between groups in culturally plural societies (McCoy and Scully, 2002; Walsh, 2007). Deveaux's account provides a useful framework for understanding and analysing these forums from a deliberative perspective. In this context, beside the principles of non-coercion and revisability, what merits particular attention is her point

about the need for these forums to take intracultural diversity seriously. I will return to this point in the next two chapters which deal with examples of state-dialogues with cultural minorities in Britain and Germany.

In what follows, by building upon the insights provided by Dryzek, Deveaux and Connolly, I suggest a deliberative framework for assessing and improving the deliberative quality of public debates on illiberal cultures. This framework combines the strengths of the pluralist deliberative approach and agonistic pluralism.<sup>28</sup> The framework I suggest emphasises three central criteria: i) inclusion based on agonistic respect; ii) interaction; and iii) influence. Let me briefly explain each criterion before moving on to their contextual investigation in the case of ‘honour killing’ debates in culturally diverse societies.

i) *The condition of inclusion based on agonistic respect*

Inclusiveness is the most important condition of the pluralist deliberative approach. If we understand public deliberation as a ‘web of talk’ as Simone Chambers (1996:197f) suggests, then there is no doubt that ‘[t]he more people caught in that web, the better the guarantee that all possible objections to the proposed claims have been given a hearing’. Although most advocates of the pluralist deliberative approach would agree with this claim, they emphasise various other constraints which lead to the exclusion of some voices from public deliberation.<sup>29</sup> The criterion of inclusiveness that I suggest brings together the strengths of the three scholars I have examined above. Similar to Deveaux, I argue that all viewpoints, including those that are characterised as illiberal or ‘dogmatic’, should have a legitimate place within democratic discourse. Yet in contrast with Deveaux, I do not insist on the condition that asks participants to frame their views as ‘strategic interests’ and not as identity claims. As noted before, this condition works to privilege some participants over others and thus conflicts with the principle of inclusion understood in broader terms. I argued that Connolly’s notion of ‘agonistic respect’ offers a better starting point for expanding the terms of inclusion in public deliberation. But how exactly should we envision such inclusion in practice?

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<sup>28</sup> As noted before, I do not understand the deliberative democratic approach and agonistic pluralism as mutually exclusive alternatives.

<sup>29</sup> In this sense, when deliberative democrats talk about inclusion, it is important to read this principle in the context of other constraints they emphasise for a public conversation to qualify as deliberation. For example, we have seen that asking individuals to formulate their claims either in generalisable terms (Dryzek), or in terms of strategic interests (Deveaux), brings certain limitations to the principle of inclusion.

If we understand deliberation in terms of a constellation of discourses in the public sphere, as suggested by Dryzek, we can also envision inclusion in discursive terms. Dryzek argues that inclusion does not necessarily mean that all affected by collective decisions should be physically present in the process of making them. It can be understood in terms of the inclusion of discourses in public debate and deliberation (Dryzek, 2010a:30-35).<sup>30</sup> In other words, what is important for the discursive notion of inclusion is not so much that everyone participates in the public debate and discussion, but that all existing discourses on a particular issue are included and addressed within those debates. The same can be claimed for public and policy debates over illiberal cultural practices. When seen from a perspective of discursive democracy, including those people with whom one fundamentally disagrees does not necessarily involve having face-to-face encounters with them in structured forums. It would suffice, both for the purposes of inclusion and for generating democratic legitimacy, if the existing discourses on a contested issue are included in public debate and deliberation.

In this context, the notion of 'subaltern counterpublics' suggested by Nancy Fraser (1997), offers a useful heuristic for conceptualizing illiberal cultural groups and discourses.<sup>31</sup> Fraser takes the multiplicity of the public sphere as her starting point and draws our attention to the 'parallel discursive arenas' in which members of subaltern publics 'invent and circulate counter discourses' of their identities, interests and needs' (1997:81). Her emphasis on a multiplicity of publics illuminates the 'contestatory relationship' between counterpublics and dominant publics (Fraser, 1997:82). Scholars of deliberative democracy, or those sympathetic to this approach, have long emphasised the vital importance of counterpublics, either as a means for expanding participation in decision-making or as a vitalizing force for creating democratic culture.<sup>32</sup>

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<sup>30</sup> Dryzek and Niemeyer (2008:481) argue that understanding inclusion in discursive terms offers 'one way to redeem the promise of deliberative democracy when the deliberative participation of all affected by a collective decision is infeasible'.

<sup>31</sup> Fraser develops the notion of counterpublics in her criticism of the Habermasian understandings of public sphere and deliberative democracy. Fraser criticises Habermas for conceptualizing public sphere as a singular, homogenous and overarching entity. In doing so, she argues, Habermas fails to take into account the members of subordinated groups such as women or peoples of colour. On her account, Habermas 'stresses the singularity of the liberal model of the bourgeois public sphere, its claim to be *the* public arena in the singular.... [his account] casts the emergence of additional publics as a late development signaling fragmentation and decline.... [For Habermas] The institutional confinement of public life to a single, overarching public sphere is a positive and desirable state of affairs, whereas the proliferation of a multiplicity of publics represents a departure from, rather than an advance toward, democracy' (Fraser, 1997:80 [emphasis in original]).

<sup>32</sup> See for example Asen (2000); Dahlberg (2007); Loehwing and Motter (2009); and Sunstein (2009).

However, when talking about subaltern counterpublics, they usually imagine such groups and their discourses as necessarily progressive and liberal, such as the feminist counterpublics of the late twentieth century.<sup>33</sup> On their account, the vital importance of counterpublics lies in their transformative and emancipatory potential (Asen, 2000:429). Contrary to this view, however, Fraser rightly notes that subaltern counterpublics are not always necessarily liberal, progressive and transformative. Some groups, Fraser tells us, may be explicitly illiberal, yet insofar as they emerge ‘in response to exclusions within dominant publics, they help expand discursive space’ (Fraser, 1997:82). In general, she adds, ‘the proliferation of subaltern counter-publics means a widening of discursive contestation and that is a good thing in stratified societies’ (Fraser, 1997:82).<sup>34</sup> In other words, it is not only the liberal/progressive counterpublics but also the illiberal counterpublics which can contribute to wider discursive contestation and enrich what Cass Sunstein (2009:150) calls the ‘argument pool’ of a society.

Despite their similar function however, there are important differences between liberal and illiberal counterpublics. In her detailed analysis of subaltern counterpublics, Cathrine Squires (2002a) offers a compelling way of capturing these differences. She suggests distinguishing among three types of partly overlapping counterpublics and discourses: (i) *resistant counterpublics*, which are usually liberal and progressive and thus the most attractive type of counterpublics for deliberative democrats; (ii) *enclave counterpublics*, which deliberately separate themselves from wider publics; and, (iii) *satellite counterpublics*, which seek separation from other publics for reasons other than oppressive relations, for example due to their separate cultural or religious convictions (such as the Amish in the United States).

When seen through this alternative vocabulary, we can categorize most illiberal groups and their discourses under the enclave or satellite counterpublics. What distinguishes these counterpublics from the resistant ones is that they usually stay in their ‘own orbits’ and cross paths with wider publics ‘only at points of crisis’ (Squires, 2002a:464).

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<sup>33</sup> In fact, Fraser herself uses this example and suggests that the feminist counterpublics in the late twentieth century of the United States present the most striking example of the notion of counterpublics. She notes that during this time ‘feminist women have invented new terms for describing social reality, including “sexism,” “the double shift,”...“sexual harassment,” and “marital, date, and acquaintance rape”’. Armed with such language they have challenged the dominant understandings of being a woman and thereby contributed to the reduction of disadvantage women face in official public spheres (Fraser, 1997:81f). On the progressive and therefore emancipatory nature of counterpublics see also Asen (2000); Felski (1989); and Warner (2002).

<sup>34</sup> Fraser (1997:80) defines stratified societies as those ‘whose basic institutional framework generates unequal social groups in structural relations of dominance and subordination’.



As the next two chapters will show in further detail, the cases of ‘honour killings’ and the public debates they create in multicultural societies display excellent examples for the emergence of all three kinds of counterpublics and discourses in the public sphere. To satisfy the criterion of inclusiveness that I suggest here, and based on the principle of agonistic respect, public and policy debates over illiberal cultures should include not only resistant publics but also those characterised as enclave and satellite counterpublics.

ii) *The condition of interaction among multiple publics*

If we acknowledge that there are not one but many publics, then we should also say something about how and where these publics can meet and have a meaningful dialogue with each other.<sup>35</sup> The criterion of interaction that I will suggest here aims to do so. But first let me clarify the terminology used within the deliberative democracy literature with respect to the various publics within the public sphere.

Deliberative democrats usually distinguish between ‘weak’ and ‘strong’ publics<sup>36</sup> or ‘between informal’ and ‘formal’ sites of the public sphere, and assign different roles to them (Habermas, 1996). Weak publics are found within the informal public sphere and characterised mainly through their lack of political power in decision-making. As Habermas (1996:362) puts it, ‘relieved’ from the task of decision-making, the main function of the weak publics is to identify social problems, bring them to the attention of society at large and contribute to opinion formation within civil society. The counterpublics defined above fall clearly into the category of weak publics. In contrast to weak publics, strong publics are responsible for decision-making. They assume this role within formal political institutions, for example in the parliament. Here, opinion formation and decision-making combine. Ideally speaking, from a perspective of deliberative democracy, weak publics should feed into strong publics within formal institutions and eventually affect the process of decision-making there. Habermas describes this process as the ‘circulation of communicative power’ and views weak publics in civil society as the source of this circulation (Habermas, 1996, chapter 8).

We have seen that, following Habermas, Deveaux views democratic activity within the informal public sphere as the ultimate source of democratic legitimacy. Informal

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<sup>35</sup> For a similar point see Fairclough (2010:395, 399).

<sup>36</sup> Habermas originally borrows the distinction between weak and strong publics from Nancy Fraser. See for Fraser’s distinction of these concepts Fraser (1997:87).

democratic activity (such as direct protests), she argues, become particularly important in the face of culturally contested issues. In her view, besides generating democratic legitimacy, the informal public sphere offers the most suitable platform for cultural communities to articulate their concerns publicly (Deveaux, 2006:109). In order to substantiate this claim, she uses the example of the headscarf affair that broke out in France in 2004. Here, in the run-up to the vote in the French Assembly prohibiting the wearing of visible religious symbols in state schools, thousands of Muslim women wearing their headscarves protested across France and Europe against the French government's impending decision. The French government, however, failed to take these protests into account and made a decision in a top-down manner in favour of banning headscarves in public schools across the country.

Deveaux is right in her criticism of public institutions which pay no attention to informal democratic activities in the course of making decisions on culturally contested issues. Yet she does not provide any guidance about how this tendency can be counteracted. As noted before, she believes that states can play an important role in encouraging informal democratic activity but she does not tell us how the informal democratic activity can be linked to the decision-making process within formal institutions. In my view, it is not sufficient to ensure the safe articulation of concerns within the informal sphere as Deveaux suggests (2006:96). It is equally important to establish some sort of mechanism that guarantees the interaction between weak and strong publics or between informal and formal spheres.

This brings out the relevance of the tools that inhabit the area between the formal and informal spheres, or what Gutmann and Thomson (1996:12) call 'the land of middle democracy'. These include not only the tools that reach out from the informal public sphere, such as direct protest and commissioned reports, but also those which reach from the formal sphere, like commissions of inquiry, parliamentary committee hearings and public consultations with members of cultural communities (Parkinson and Bavister-Gould, 2009). Theoretically speaking, all these tools offer significant 'access points' to decision-making circles and serve as what Carolyn Hendriks (2006:501) calls 'mixed discursive spheres' for combining formal and informal modes of deliberation. In fact, without such spheres and procedurally guaranteed links between informal and formal spheres, 'the legitimacy generated by the former cannot reasonably be claimed by the latter' (Squires, 2002c:134).

To sum it up, the criterion of interaction requires paying particular attention to the tools that inhabit the area of ‘middle democracy’. It is my contention that political systems with a broader area of ‘middle democracy’ offer a more conducive context for the interaction between weak and strong publics. This area embraces ‘virtually any setting in which citizens come together on a regular basis to reach collective decisions about public issues—governmental as well as nongovernmental institutions’ (Gutmann and Thompson, 1996:12). This, however, is not to suggest the endorsement ‘any’ participatory tool that exists within this area. Rather, it is important to approach to the area of ‘middle democracy’ with great caution, especially if it entails interactions with government institutions. When culturally contested issues are at stake, the involvement of government institutions in public deliberations—as facilitators and/or ‘dialogue partners’—may introduce problems of their own that are worthy of further consideration. Their involvement may lead to the essentialisation of cultural identities and the intensification of the existing conflicts between minority and majority cultures. I will return to this point in the context of state-dialogues with cultural minorities in the next two chapters.

*iii) The condition of influence*

The last criterion I want to suggest aims to emphasise that deliberation is not only about the contestation and interaction of multiple publics. It is also about the question of whether these publics influence each other. If we follow the direction Habermas suggests in terms of the ‘circulation of communicative power’, the success of deliberation depends on the question of whether claims made within the civil society by various publics have any influence on the collective decisions made by parliaments and governments. But how can we evaluate the extent to which decisions in formal institutions have been influenced by deliberations in the informal public sphere? This is largely an empirical question. It requires investigating the discourses of various publics on a particular issue, the interaction of these publics with each other and the outcome of these interactions. As the case study chapters will elaborate in further detail, one useful empirical tool to track the influence of weak publics over strong publics is suggested by the scholars of framing theory (Bacchi, 2010; Benford and Snow, 2000; Ferree et al., 2002a; Fischer, 2003; Schon and Rein, 1994). Drawing on the insights provided by this body of literature, we can map out the discourses of various publics on a particular issue by conducting a frame analysis.

Frame analysis is a systematic approach within discourse analysis. Frames are based on discourses but employed strategically by actors, such as political parties, government agencies or social movements. A frame is usually understood as specific problem representation. Each frame implies a different definition of problem (diagnosis), a proposed solution to the problem (prognosis) and a call for action (who is responsible for solving the problem) (Benford and Snow, 2000). In the course of public deliberation, different actors develop their own frames of an issue based on 'their own ideological principles and institutionally specified roles' (Pan and Kosicki, 2001:43). In order to assess the influence of the frames employed by counterpublics within the process of formal decision-making, I suggest focusing on the frames used by public authorities who are directly involved in decision-making roles, and those employed by various counterpublics who attempt to influence them. The interaction between these frames can be seen as framing contestations, which when successful, results in the transformation of the frames employed by public authorities. As was noted before, in the face of illiberal cultural claims this process should also involve the frames of illiberal counterpublics. In the following two chapters I will provide a contextual investigation of framing contestations over the issue of 'honour killings' in Britain and Germany.

### **3.6. Conclusion**

This chapter explored the potential of the pluralist deliberative approach to overcome the dilemmas of multiculturalism by focusing on two variants of this approach as suggested by Dryzek and Deveaux. I share many of these scholars' suggestions, including the need to take intracultural diversity seriously and to pay greater attention to the discursive nature of identities and identity conflicts, if deliberative democracy is to contribute usefully to strategies for accommodating cultural diversity and resolving cultural conflicts. However, the perspective I advanced in this chapter differs from their accounts through its focus on the issue of deep disagreements in the face of illiberal cultures. I demonstrated that although both scholars aim to expand the terms of inclusion in public deliberation, various other constraints they suggest end up leaving the question of deep disagreements unaddressed.

I considered the elements of Connolly's agonistic approach as a possible alternative to address deep disagreements emanating from the differences between liberal and illiberal cultures. Finally, by building upon the strengths of the three democratic theorists I

examined, I offered a deliberative framework for assessing and improving the deliberative quality of the public debates on illiberal cultural practices in culturally diverse societies. This framework suggests viewing illiberal cultural groups and discourses as counterpublics and grants them a legitimate status in public and policy debates. Yet to avoid the antagonism their inclusion may create between minority and majority cultures, it stresses the need to engage with illiberal cultural groups based on an agonistic respect and critical responsiveness. The promise of this engagement lies in its potential to reveal unexpected affinities between cultures that appear to be fundamentally irreconcilable. I will highlight examples of such engagement in my discussion of the ‘honour killing’ debates in Britain.

Besides its theoretical focus, this chapter also aimed to provide a way of translating the normative presuppositions of deliberative theory into practice. To this end, I argued that the ‘approximation’ of the framework I suggest in ‘real life’ conflicts requires the existence of an institutional setting that allows sufficient space for the interaction of various publics. I suggested viewing this interaction in discursive terms, more specifically in terms of framing contestations of various publics over illiberal cultural practices. The next two chapters will provide a contextual investigation of this framework in the case of ‘honour killings’ in Britain and Germany.

## Chapter 4

### 'Honour killing' debates in Britain

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This is on any view a tragic story arising out of irreconcilable cultural differences between traditional Kurdish values and the values of western society (Judge Neil Denison, judicial pronouncement of an 'honour killing' case, 2003).<sup>1</sup>

We must be sensitive not to characterise the issue by reference to race or religion and avoid alienating communities. We must build a relationship of trust between those at risk and organisations that can help them, allowing more people to come forward with their anxieties before it is too late (Lord Hodgson of Astley Abbots, HOL, *Hansard texts*, 15.12.2005:c1442).

In the previous chapter, I argued that if deliberative democracy is to go beyond the existing modes of accommodating cultural diversity and addressing cultural conflicts, it should offer a way of addressing deep disagreements in democratic societies. This chapter will exemplify deep disagreements and explore the prospects for their deliberative treatment by looking at the issue of 'honour killing' and the debate it has created in Britain. The British 'honour killing' debate provides a suitable example to understand several of the theoretical issues I raised in previous chapters. It demonstrates first of all, how the meaning of deep disagreements are discursively constructed and contested. In Britain, not all actors who entered the public debate on 'honour killing' viewed 'honour killing' as embodying intractable value conflicts between majority and minority cultures. In other words, there has been no consensus over the existence of deep disagreements between cultures. This has had important implications in terms of the solutions proposed to combat these crimes.

Secondly, the British case offers an example of deliberative politics in 'real life' situations. Since 1997—particularly during the time the Labour government was in power—dialogue with ethnic communities has been seen as a viable solution when addressing culturally controversial issues. The British government has initiated a variety of dialogues, ranging from small-scale round-table discussions to large scale nationwide public consultations in order to address what came to be labelled in policy terms

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<sup>1</sup> Cited in Brandon and Hafez (2008:117).

an ‘honour-based violence’. In British public and policy debates, ‘honour-based violence’ is used as an umbrella term to cover three controversial practices that have been high on the political agenda since 1997: forced marriage; female genital mutilation (FGM); and ‘honour killing’. In this chapter, I am particularly concerned about ‘honour killing’, as it entails the most extreme form of violence conducted in the name of culture.<sup>2</sup>

By looking at British public and policy debates on ‘honour killing’, I aim to identify the key players in these debates, investigate how they frame ‘honour killing’ and the underlying deep disagreements, and see whether the dominant frames change over time, particularly as a consequence of increased possibilities for dialogue and deliberation on ‘honour killing’.

This chapter has six substantive sections. The first section sets out the socio-political context which gave rise to the ‘honour killing’ debate in Britain. The second section focuses on three high profile murders which have been particularly influential in shaping the contesting problem definitions of ‘honour killing’: the murders of Rukshana Naz in 1998; Heshu Yones in 2003; and Banaz Mahmod in 2007. These cases also exemplify three different strategies, including a dialogical one employed by the British government in addressing ‘honour killings’. After describing these murders and the public controversies they caused in Britain, in the third section I focus on the British parliamentary debates on ‘honour killing’ and identify the major trends in framing them. In the fourth and fifth sections, I look at examples of state-dialogues on ‘honour killing’ with various actors. The fourth section examines dialogues with community leaders, and the fifth section focuses on the framing contestations between women’s organizations and government agencies. An examination of these contestations over time shows that British women’s organizations have been successful in establishing a gender-based framing of ‘honour killing’. In the sixth section of this chapter, I present the indicators of ‘transformed frames’ of ‘honour killing’ in Britain and discuss the possible factors that have enabled this transformation.

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<sup>2</sup> In British policy debates, ‘honour killing’ is usually described by the term ‘so-called’ honour-based violence. This functions to indicate that such violence can never be honourable. To provide consistency throughout this study, I use the term ‘honour killing’.



#### 4.1. 'Honour killing' in the context of 'failed multiculturalism'

In recent years, the issue of 'honour killing' has become a central topic in public and policy debates in Britain. This has been fuelled partly by a number of high profile murders that have received extensive media coverage and attracted unprecedented public attention, and partly as a result of New Labour's interest in addressing controversial cultural practices that affect women in minority communities. Before New Labour came to power in 1997 after 18 years in opposition, there was only very limited policy discussion about the rights and interests of these women (Dustin and Phillips, 2008). 'Honour killing' initially came to the fore in relation to the forced/arranged marriage debates which was a central policy concern for the Labour government (Deveaux, 2006; Phillips and Dustin, 2004). Yet in 2003, particularly after the murder of Heshu Yones by her father, 'honour killing' became a separate policy area in Britain. In this case, the Metropolitan Police Service labelled a murder for the first time as an 'honour killing' and Heshu's father was the first person to be convicted of an 'honour killing' in Britain (Siddiqui, 2005).

Since then, the issue of 'honour killing' has been intensively debated in the media,<sup>3</sup> in the British Parliament and in a series of forums initiated by governmental or non-governmental organizations. The British media portrayed 'honour killing' as an 'imported crime' which occurs only in migrant communities (*The Guardian*, 22.11.2007). As such, 'honour killing' has been presented as indicative of *fundamentally* irreconcilable differences between British and minority cultures. It was not the murders per se that have had the news value and attracted public attention, rather the definition of the reasons behind those murders led to the heated debates about cultural differences between majority and minority cultures. Young girls are reported as being murdered by their fathers, brothers or uncles for reasons such as 'having a Christian boyfriend' or for 'being too Westernized' (*The Independent*, 30.09.2003). This has resulted in the interpretation of 'honour killing' as indicative of bigger problems, such as the presumed failures of integration, the oppression of women in traditional cultures and the difficulty of reconciling cultural expectations of behaviour with life in a modern, Western society.

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<sup>3</sup> Key media attention emerged on this issue in radio programs and documentaries, in particular from the BBC. Reddy (2010:18) notes that the most prolific BBC radio source of items discussing issues around 'honour killing' in the last five years has been BBC Radio Four's Women's Hour. Key examples of such programs include 'Honour Killings', *File on Four*, 26<sup>th</sup> June 2007, and a segment on 'honour killing' *Law in Action*, 10<sup>th</sup> October 2007.

The definition of 'honour killing' as a culturally specific form of murder has not emerged in a vacuum. Rather, 'honour killing' acquired this meaning from the socio-political context in which it occurred. In this sense, it is not surprising that the intensified debates on 'honour killing' have coincided with the growing scepticism about multiculturalism in Britain. In 2001, shortly before multiculturalism came under attack in Britain, it had positive connotations. As late as 2000, the multicultural orthodoxy in Britain was affirmed in a report, *The Future of Multi-Ethnic Britain*, chaired by Britain's most eminent advocate of 'race relations' Bhikhu Parekh (Joppke, 2004:249). However, a series of international and national events threw a different light on Britain's multicultural reality and raised questions about the integration of cultural and religious communities. In late 2001, serious race riots between white and Asian communities escalated in various northern British cities. Shortly after these riots, the September 11 terrorist attacks in the United States (9/11) and the July 2005 (7/7) bombings in London which resulted in the death of 55 people occurred. In the face of local and global crises, there has been a "deepening of moral panic" about those allegedly "in" but not "of" the West' (McLoughlin, 2005:57).

The issue of 'honour killing' took on increased sensitivity after the July 2005 bombings in London (*The Christian Science Monitor*, 19.10.2005). The fact that most of the individuals involved in London bombings were born and/or brought up in Britain resulted in heated debates about the failed integration of ethnic minorities into British society. Britain's multicultural model was held responsible by some for the 7/7 bombings (Madood, 2005). One tabloid described the bombers as: 'a consequence of misguided and catastrophic pursuit of multiculturalism' (*The Observer*, 21.08.2005). In September 2005, Trevor Phillips, Chair of the Commission for Racial Equality, delivered a speech about the failures of an 'anything goes' multiculturalism in Britain and described Britain as 'sleepwalking to segregation'.<sup>4</sup>

The alleged failures of multiculturalism, expressed through increasing segregation, security challenges and gender inequality in traditional cultures implied a 'wholesale

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<sup>4</sup> Phillips (2005) described the state of multiculturalism in Britain in the following way: 'Residentially, some districts are on their way to becoming fully fledged ghettos—black holes into which no-one goes without fear and trepidation, and from which no-one ever escapes undamaged. The walls are going up around many of our communities... And here is where I think we are: we are sleepwalking to segregation. We are becoming strangers to each other, and we are leaving communities to be marooned outside the mainstream'.

rejection of the discourse of multiculturalism' (Bagguley and Hussain, 2005:159).<sup>5</sup> This prompted the emergence of new policies and discourses emphasising the need for a common national identity, social cohesion, citizenship and civic integration (Joppke, 2004; Newman, 2007). The government introduced citizenship classes as a compulsory part of the school curriculum (2002) and a citizenship test (2005) requiring migrants to demonstrate knowledge of the English language and British values. The new 'social cohesion' agenda placed an emphasis on religious, rather than cultural, diversity in Britain and aimed to provide conditions for a peaceful coexistence of faith communities (Braginskaia, 2010).

In this socio-political context, particular attention was devoted to Islam which is the second largest religion in Britain with some two million adherents, mostly from South Asia (Grillo, 2010). In the aftermath of the London bombings, Muslim migrants were increasingly perceived as a challenge to Britishness and ethnic women became a symbol of value conflicts between British and minority cultures. The British media constructed the 'Muslim' man as 'fanatical, fundamentalist, violent and owing allegiance to forces external—and hostile—to Europe' (Wilson, 2007:31). Likewise, young Muslim women are depicted 'within a discourse of fear and risk posed by the presence of the Muslim alien "other"' (Meetoo and Mirza, 2007a:149) and in need of protection from their families and communities. In this context, the murder of young women in the name of culture or religion was quickly labelled as 'honour killing' and defined as indicative of deep divides between British and minority cultures.

Following the 2003 murder of Heshu Yones by her father, 'honour killing' became a new policy area in Britain. Until that time, most work on 'honour killing' had been carried out by non-governmental organizations and a number of academics. This changed in 2003 with the Metropolitan Police taking the lead in this area and setting up a Strategic Homicide Prevention Working Group on Honour Killings (Dustin and Phillips, 2008:412). The media played a crucial role in making British policy makers and police services responsive to the issue of 'honour killing' (Korteweg and Yurdakul, 2010). 'honour killing' has become a prime site of contestation, particularly between state agencies and women's organizations which were working on these issues long before they came to the attention of British policy makers. These contestations have

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<sup>5</sup> Bagguley and Hussain (2005:161) state that '... since the 2001 riot there has been a shift away from multiculturalism and ethnic diversity in New Labour discourse. This has been replaced by an atavistic assimilationism that demands integration in a way that is reminiscent of the failed policies of the 1950s and 1960s'.

evolved around the question of how to frame 'honour killing'. The public authorities, along with the mainstream media, have tended to define 'honour killing' as a culturally specific form of murder and focused on the deep divides between British and minority cultures these cases embody. This view has been challenged mainly by women's organizations which have rejected the existence of such divides between cultures and drawn attention to the gender-related dimension of 'honour killing'. They have argued that 'honour killing' should be conceived in broader terms as violence against women (VAW), and not as a 'cultural practice'. The latter definition, they claim, exaggerates 'the cultural component in what remains a form of domestic violence' and promotes stereotypes of culture (Dustin and Phillips, 2008:414).

While identifying the existing frames of 'honour killing', it is important to take into account that neither state institutions nor women's organizations are monolithic entities. A variety of women's organizations have been involved, at times with conflicting views, in disputes over the definition of 'honour killing' (Reddy, 2010; Siddiqui, 2005; Suruchi, 2007). The same is true for state institutions. As Roggeband and Verloo (2007:274) point out, '[a]lthough the state acts as one actor towards its citizens, it is by no means a monolithic actor'. The pluralism of state is reflected in the variety of institutions which are involved in the 'honour killing' debates. While lead policy responsibility sits within the Home Office, which is the government department responsible for the police service and justice system in England and Wales, the issue cuts across a number of different departments. Other institutions which have played a central role in the British 'honour killing' debate include the British courts, which have convicted perpetrators; the Foreign and Commonwealth Office, which deals with honour-based violence with a particular focus on forced marriages; the Metropolitan Police Service (MPS)<sup>6</sup>; the Crown Prosecution Service (CPS), which is an independent body but works closely with the police<sup>7</sup>; and the Association of Chief Police Officers of England, Wales and Northern Ireland (ACPO).

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<sup>6</sup> Dustin (2007:162) notes that the MPS has been: 'the most visible agency behind the identification of HBV [Honour based violence] as a new area of crime incorporating "honour" killings, forced marriage and sometimes FGM/C [Female genital cutting]'. It held several conferences that bring together service providers, women's organisations and policy makers and police officers. Dustin notes that MPS also participated violence against women work at European level such as the Kvinnoforum project which run from 2003-2007 with partner organisations in seven European countries. MPS was the partner organisation in the UK.

<sup>7</sup> For a detailed understanding of a relationship between the CPS and the MPS, see Elsner et al. (2008).

The plurality of state institutions dealing with ‘honour killing’ cases has led to the emergence of inconsistent responses to ‘honour killing’ that employ: ‘competing rationales that are simultaneously both progressive and paternalistic’ (Gill, 2009:488). As one newspaper article put it, how British police and government respond to ‘honour killing’ often seemed to be a ‘lottery’ (*The Times Online*, 17.06.2007). It has been argued that Britain needs an ‘integrated national approach’ that enables all parties involved (such as courts, police and the CPS) to follow the same guidelines in preventing, protecting and prosecuting honour-related crimes. In the next section, I will illustrate the inconsistencies in state responses to ‘honour killing’ by focusing on three murders and the controversies they caused in the British public sphere.

#### **4.2. Mixed responses to ‘honour killing’ cases**

Although there are no official statistics on ‘honour killing’ in the UK, the CPS and the Metropolitan Police Service (MPS) indicate that during the period from 1998 to 2007, the police investigated approximately 12 ‘honour killings’ each year.<sup>8</sup> The majority of killings were reported in South Asian communities, but there were also cases in Nigerian, Turkish, Algerian and Kurdish communities (MPS, 2007). In almost all reported cases, defendants offered a cultural defence, claiming that killing the victim was ‘an obligation imposed by culture, tradition, and the community’s moral values’ (Gill, 2009:481). Up until recently, judges accepted these reasons and imposed reduced sentences by sentencing the defendants for manslaughter instead of premeditated murder.<sup>9</sup> Under English law, murder has a mandatory life sentence but a successful plea of provocation may reduce a conviction from murder to manslaughter, thereby lightening the sentence (Phillips 2003).

In the following analysis, I do not focus on all the murders labelled as ‘honour killings’ in Britain. Rather, I focus upon three high profile killings which are most relevant to my argument, the murders of: Rukhsana Naz, a 19 year old woman of Pakistani origin in Derby in 1998; Heshu Yones, a 16 year-old Kurdish girl in London in 2003; and Banaz Mahmud, a 20-year old Kurdish woman in South London in 2006. In all three cases, the

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<sup>8</sup> As Hosali points out, it is important to view such estimates ‘with a certain amount of caution, always bearing in mind that any sort of statistics must be viewed within the context of the definition to which they pertain. This type of “categorisation” including “separating out” honour crimes (which are inadequately defined) from domestic violence and other manifestations of violence against women is arguably problematic’. See the interview with her in: Association for Women’s Rights in Development (2008).

<sup>9</sup> See Reddy (2008) for a detailed analysis of the court cases in Britain with a particular focus on cultural defenses.

families believed that their daughters were no longer following chastity codes dictated by their homeland culture and were thus bringing shame on themselves and their families. Despite their similarities, the British courts and policy makers responded to these cases differently.

A close examination of how public authorities responded to these cases reveals two important points. First, it shows, as I noted above, that the meaning of these events cannot be divorced from the socio-political context as it is from this context that they acquire their particular meaning. The British public authorities interpreted these three cases differently depending on existing policies and discourses of multiculturalism. The reactions to these cases reflect the broader discursive shift in Britain from multiculturalism to multi-faithism and social cohesion. This shift is particularly evident in the portrayal of victims as 'young British girls', rather than 'ethnic women', and in the change of focus from culture to gender in defining 'honour killing'.

Second, the responses to these three 'honour killing' cases illustrate a shift from top-down to bottom-up management of culturally controversial issues in Britain. New Labour's emphasis on dialogue and consultation with communities is also evident in its approach to 'honour killing'. Although dialogue with minority communities seems to offer a solution in the 'right' direction, it also raises important questions, such as who should be included in these dialogues or where they should take place. I will return to these questions below.

*i) The murder of Rukshana Naz (1998): The beginning of state intervention*

The murder of 19-year-old Rukhsana Naz in 1998 was the first case in Britain which exhibited the typical characteristics of so-called 'honour killing' (Gill, 2009; Siddiqui, 2005).<sup>10</sup> Rukhsana, who was forced into marriage at 16, was murdered by her mother and brother, Shakeela and Shazad Naz, because they thought she had become pregnant as a result of an adulterous affair. Her behaviour was judged to be a violation of fundamental Pakistani norms and values which brought shame on her family. In court, Rukhsana's brother attempted to make a cultural defence, arguing that he had been provoked to kill his sister because she had brought shame on the family by becoming pregnant to her lover. In his defence, Rukhsana's brother argued that he had not intended to kill his sister, but he had been provoked by his sister's conduct and

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<sup>10</sup> Although Rukhsana's case was a clear case of 'honour killing', the media represented it first as an issue of 'forced marriage' and only retrospectively as an 'honour killing' (Siddiqui, 2005:269).

temporarily lost his self-control. His plea of provocation brought cultural and religious reasons to the fore and required the jury to consider whether ‘an ordinary sober person of the defendant’s age, religion and sex’ would act in the way Shazad Naz acted.<sup>11</sup> However, his plea for provocation was not accepted and both Shazad and Shekeela Naz were convicted of murder and sentenced to life imprisonment.

Rukshana’s case was initially framed in the context of forced marriage debates and only retrospectively labelled as an ‘honour killing’. In 1999, the British Home Office established a special Forced Marriages Working Group to investigate cases of forced (as opposed to merely arranged) marriage and to recommend proposals for tackling this practice.<sup>12</sup> The establishment of this working group made forced marriage in Britain a visible policy area and began the debate on ‘honour killing’, predominantly in relation to forced marriage.

Rukshana’s murder resulted in heated debates on multiculturalism and tolerance in the face of ‘culturally harmful practices’. It has been used as an example to demonstrate the need for state intervention in minority cultures to protect women and girls from harmful practices, such as forced marriage and ‘honour killing’. Up until that time, British public authorities tended to leave the interpretation of cultural norms to the communities and assumed that conflicts could be resolved within communities.<sup>13</sup> The need for a top-down state intervention in cultural minority communities was symbolized by the oft-cited words of Home Office Minister, Mike O’Brien, who talked of a ‘mature multiculturalism’ during the human rights debate in parliament on 10 February 1999. He stated: ‘multicultural sensitivity cannot be an excuse for moral blindness’. Multiculturalism is criticised for justifying the assumption that it is ‘intolerant or even racist, for a majority community to interfere in minority cultures’ (Siddiqui, 2005:270). Several activist groups, such as the Southall Black Sisters (SBS), a campaigning group for the rights of minority ethnic women, welcomed this approach as the ‘right way’ of dealing with culturally controversial issues.

The ‘mature multiculturalism’ approach suggested that when practices entail elements of violence, cultural factors should not be taken into account. This is also seen as the

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<sup>11</sup> For the record of selected court cases including this one, see (LSE Database)

<sup>12</sup> Following consultations with agencies including police and women’s groups, the working group published in 2002 *A Choice by Right* which clearly stated that forced marriage is an abuse of human rights (ACPO, 2008).

<sup>13</sup> See on this point Aisha Gill’s statements in a media release which appeared in *The Times Online* (17.06.2007).



best way to prevent public authorities from stereotyping immigrants' identities along cultural or religious lines. Yet, contrary to these expectations, cultural and religious factors continued to dominate the government's approach, the judicial discourse and the public perception of 'honour killing'. Particularly in the post 9/11 socio-political context, 'honour killing' has become an unshakable symbol of fundamentally irreconcilable cultural differences and disagreements between British and minority cultures. 'honour killing' has presented the clearest example for those who looked for the evidences of 'failed multiculturalism' in Britain. The representation of 'honour killing' as an example of deep cultural divides has become particularly visible in the aftermath of the next 'honour killing' case that received extensive media coverage in Britain, the murder of Heshu Yones.

ii) *The murder of Heshu Yones (2003): 'Irreconcilable cultural differences'*

In 2002, 16-year-old Kurdish girl Heshu was killed by her father for having a Lebanese Christian boyfriend and for being 'too Westernised' (*The Independent*, 30.09.2003). After killing his daughter, Yones jumped from a third floor flat and asked the judge to kill him for what he had done. In the court, Abdulla Yones said that his daughter had brought her death on herself. He argued that he was 'provoked' by Heshu's Western dress and her Christian boyfriend. He also mentioned that a letter he received from the Patriotic Union of Kurdistan (a political party where he volunteered) labelled Heshu a 'prostitute' (Payton, 2011:75). The judge, Neil Denison, accepted the grounds of provocation as mitigation and found him not guilty of murder but instead guilty of manslaughter.<sup>14</sup> While sentencing Yones, the judge referred to cultural issues and described Heshu's murder as 'a tragic story arising out of irreconcilable differences between traditional Kurdish values and the values of western society' (Brandon and Hafez, 2008:117). By taking Yones's cultural background into account, the judge sentenced him to 13 years rather than the recommended 20 years.

Heshu's murder was the first murder that was labelled as an 'honour killing' in Britain.<sup>15</sup> This labelling also shifted the debate from forced/arranged marriage into one

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<sup>14</sup> The defence concluded that Yones was 'forced to kill' as the stain on his 'honour' put him in an 'untenable position' (Smart 2006, cited in Payton, 2011:75).

<sup>15</sup> Dustin (2007:159,162) argues that in the British context, once "'honour" violence was identified as a problem, it became a label for a range of abuses. Measures on forced marriage in particular were subsumed under the heading of 'honour crimes' but also, on occasion, practices including FGM/C [female genital mutilation/ cutting], ritualistic killing and abandoned spouses'. She observes the danger of 'honour' 'becoming the blanket category for any form of violence against girls and women in minority ethnic communities'.

of 'honour killing' (Dustin and Phillips, 2008; Siddiqui, 2005). Heshu's murder was also the first murder that was framed, both in the media and in the policy debates, as an example of the deep divides between majority and minority cultures. The mainstream media, including BBC television and radio, characterised Heshu's case 'as being indicative of a 'clash of cultures'. This thesis was supported in the media by phrases such as 'ghastly way of life' and 'western ways' when describing the event and the experiences of young women of Muslim background in general (Gill, 2006:4). The tabloids characterised Mr Yones as a 'Muslim' and Heshu's boyfriend was identified only by his 'Christianity'. The difference between Muslim and Christian identities was presented as the central motivation for the murder of a 16 year old girl (Majid and Hanif, 2003). Such descriptions led to a polarization of identities between an ethnic minority and the majority, while at the same time fuelling the stereotyping of minority communities in Britain (Reddy, 2008:316). Commenting on Heshu's murder, one commentator wrote: '[w]ords cannot describe the anger and hate I feel to those *communities* that condone such terrifying acts' (*BBC News*, 30.09. 2003, my emphasis).

What led to even further polarization of identities along cultural and religious lines was the emphasis on community support for Heshu's murder. One tabloid, for example, noted that on the day Abdulla Yones was sentenced, dozens of Kurdish men came to court to show solidarity with him (*The Times Online*, 17.06.2007). The silence in the Kurdish and Muslim communities was interpreted as a sign of community support for these crimes. Attention was also drawn to the fact that no Kurdish communal or Kurdish Muslim leader publically condemned this murder (HOL, *Hansard texts*, 15.12.2005:c1418). Women's organizations, such as the Kurdish Women's Action Against Honour Killing (KWAHK) condemned Abdulla Yones for killing his daughter, but seemed not to be legitimate representatives of cultural or religious communities in the eyes of British policy makers. Since the issue was one that concerns cultures, it required the specific community leaders to assume responsibility.

Kurdish women's groups reacted to the court's decision to accept Yones's provocation plea on cultural grounds. They argued that by taking Yones's own definition of his culture, Judge Denison privileged 'the conservatism of patriarchal Kurds over the progressive voices' (Payton, 2011:76).

In an open letter to Judge Denison, the KWAHK argued:

We acknowledge that honour killing is often culturally and historically defined. However, this statement should not invite the idea that all Kurds accept this practice. The Kurds, both here and elsewhere, contain within their number both hidden and visible dissenters, different voices that defy the idea that ‘the community’ is a homogenous entity, static and incapable of reflection (Dr Nazand Begikhani, KWAHK, cited in Payton 2011: 76).

These campaigns have not been very successful in drawing attention to the diversity within each culture and changing what Taylor (2007) calls ‘block thinking’ about minorities. After Heshu’s murder, the government placed a strong emphasis on the need for dialogue with community members to tackle ‘honour killing’. The subsequent state-dialogues with cultural minorities took a particular form in the context of the then popular ‘multi-faith’ agenda of the British government. This agenda provided the ‘space’ for unelected community leaders, usually males from religious groups ‘to mediate between the community and the state’ (Patel 2008:13). I will return to the implications of the multi-faith agenda and dialogical engagements with community leaders later in this chapter.

iii) *The murder of Banaz Mahmud (2007): The failure of the police service*

The third case that shaped the ‘honour killing’ debate in Britain was the murder on 23 January 2007 of Banaz Mahmud, a 20-year-old British citizen of Iraqi Kurdish background. Banaz was murdered after leaving her Kurdish husband whom she had been forced to marry at the age of 16, and falling in love with an Iranian man from a different Kurdish clan. Her father and uncle disapproved of this relationship and ordered her murder by three young men. Banaz’s body was found in a suitcase in a backyard in Birmingham, months after she was killed. Similarly to Heshu’s case, Banaz’s father was also reported to have been threatened by a group of Kurdish men on a street in Hounslow saying:

We are going to kill you and Banaz because we’re Muslim and Kurdish. We’re not like the English where you can be boyfriend and girlfriend. We are going to leave but we’ll be back again (*The Guardian*, 11.06.2007).

However, the alleged community support for Banaz’s murder did not receive as much attention as in Heshu’s case. Banaz’s case diverted public attention from ‘backward’

cultural communities to failures of the police service in tackling 'honour killing'. Banaz attempted to alert police four times, yet her accounts were not taken seriously and dismissed by a policewoman as 'dramatic and calculating' (Brandon and Hafez, 2008:56, 114). Her case was covered in the media primarily as a 'preventable tragedy' (*The Guardian*, 12.06.2007). In line with the social cohesion agenda, the media reporting of Banaz's case also focused on the idea that 'immigrants should be treated as full members of British society' (Korteweg and Yudakul, 2010:23).

Banaz's murder brought renewed attention to the question of whether 'honour killing' should be defined as a distinct crime with separate laws, or dealt with under the domestic violence framework. While most women movement actors expressed a clear preference for mainstreaming honour-related violence under the domestic violence framework, they also pointed to the limitations of this framework which defined violence in gender-neutral terms. They argued that a gender-neutral domestic violence framework would fail to capture 'honour killing' which is a case of violence against women. After Banaz's murder, disputes over the definition of 'honour killing' collided with the ongoing contestations of how domestic violence should be defined, either as a gender-neutral or a gender-based phenomenon. While government institutions had framed domestic violence in gender-neutral terms, individual women's organizations and campaigns carried out by the Women's National Commission (WNC), such as End Violence Against Women (EVAW), were struggling to establish a gendered definition of domestic violence in Britain. As I will elaborate below, these contestations resulted in recent years, in the acceptance of a gender-based definition of domestic violence by key government agencies such as the CPS (Predelli, 2009).

There are clear differences in the way public authorities responded to Banaz's and Heshu's murders. Banaz's case demonstrates the characteristics of a 'gender-based' approach to 'honour killing', an approach which locates 'honour killing' within a broader spectrum of violence against women. While sentencing the perpetrators, the judge, Brian Barker, stated: 'if this is the culture then the culture needs to be changed, not the women sacrificed for the culture' (*The Guardian*, 25.10.2009). The gender-based approach to 'honour killing' in this particular case could be seen as a consequence of ongoing framing contestations and dialogues between public authorities and women's organizations which, as I will demonstrate, gained a particular impetus around 2005.

In summary, the three cases presented here reflect three distinct government approaches to ‘honour killing’ in Britain since 1998. The proactive role of the British government after the first case, the case of Rukhsana Naz, although welcomed by some women’s organizations, was also subject to harsh criticisms due to its top-down (non-dialogical) nature (Phillips and Dustin, 2004; Siddiqui, 2005). The murder of Heshu Yones in 2003 marked the beginning of a new era in which dialogue gained a central importance in understanding and preventing practices of ‘honour killing’. Finally, the responses to the murder of Banaz Mahmud exemplify the first signs of a gender-based approach to these killings and a shift of focus from community leaders to women’s organizations as required partners of state-dialogues.

### **4.3. Parliamentary debates on ‘honour killings’**

As noted before, the New Labour Government played a significant role in making honour-based violence a new policy area in Britain. The doubling in the number of women parliamentarians after 1997 meant a significant rise in the number of MPs willing to speak out against abuse of women (Dustin and Phillips, 2008:407; Kvinnoforum, 2004:74). After 2005 in particular, the parliamentary time devoted to the issue of honour-based violence in both the House of Commons (HOC) and the House of Lords (HOL) significantly increased. Before 2005, ‘honour killing’ was mentioned mainly in the context of other countries such as Egypt,<sup>16</sup> or in relation to the problem of forced marriages which has been a visible policy issue in Britain since 1999.<sup>17</sup> The year 2005 marked the beginning of parliamentary debates on ‘honour killing’ as ‘a separate issue’ which needed to be addressed urgently.

The media reports and the labelling of Heshu’s case as an ‘honour killing’ played a crucial role in putting these issues on the political agenda and making the British Parliament responsive to them. The British parliamentary debates did not directly reference media reports (as in the case of Germany), yet they seemed to operate on parallel tracks (Korteweg and Yurdakul, 2010:24). To capture the ways in which ‘honour killing’ has been framed during these debates, and whether these frames differed over time, I focus in this section on debates that had an extensive focus on

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<sup>16</sup> See, for example, HOC, *Hansard texts*, 14.03.2002.

<sup>17</sup> See, for example, HOC, *Hansard texts*, 14.06.2004.

'honour killing'.<sup>18</sup> The following provides examples of general trends in discussions of 'honour killing' rather than presenting an exhaustive analysis of all parliamentary debates.

Three major frames of 'honour killing' have been evident in the course of British parliamentary debates, but they don't simply reflect party differences because individual members, particularly those in the House of Lords, are free from the dictates of party discipline (Norton, 2006:58). The frames of 'honour killing' can be distinguished in terms of: the problem definitions they employ; the remedies they suggest; and who they define as responsible both for the problem and its solution. The British parliamentary debates brought various forms of culture-based and gender-based frames of 'honour killing' to the fore. These frames can be labelled as: (i) culturally polarizing; (ii) culturally sensitive; and (iii) gender-based. An examination of parliamentary debates suggests that over time, culturally polarizing frames lost their explanatory power and gender-based and culturally sensitive frames became prominent in defining 'honour killing'.

*i) Culturally polarizing frames of 'honour killing'*

This frame defines 'honour killing' as a culturally specific form of murder and as an indicator of deep cultural divides between British and minority cultures. The polarizing aspect comes from the depiction of cultural differences as unbridgeable. This is manifest by the use of expressions such as 'us' versus 'them', 'modern' versus 'traditional', 'Western' versus 'backward' when defining 'honour killing'. From this perspective, the horror of 'honour killing' represents the deep divides between British and minority cultures (HOL, *Hansard texts*, 15.12.2005:c1426-29).

Another significant defining hallmark of this frame is that it gives culture an agency. The culture gains the status of a natural and autonomous entity, independent of the people who actually live or reproduce it. Accordingly, it is not people who kill but culture. As Lord Roberts of Llandudno (Liberal Democrat) put it, it is culture which 'hurts, demeans, undermines and destroys people' (HOL, *Hansard texts*, 15.12.2005:c1426). Yet, only some cultures are defined as having an agency and leading to violence.

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<sup>18</sup> One such debate took place on 15 December 2005 at the House of Lords. This debate illustrates all major trends in framing 'honour killing' in the course of parliamentary debates. In the following, I will primarily focus on this debate, but also provide examples from other debates.

These are cultures,

... that are based on concepts of shame and honour, tend to have norms and practices conducive to violence, especially domestic violence. They are rooted in traditional beliefs which do not see people primarily as individuals whose value lies in their individual characteristics and achievements. Instead, their value and status are derived from conformity to predetermined roles, which, in the case of women, have traditionally been rooted in domestic responsibilities, deference to men and sexual obedience. When people brought up in societies imbued with such traditional values emigrate to countries with very different values and practices, they may suffer acute crises of identity and threats to family relationships (HOL, *Hansard texts*, 15.12.2005:c1429-30).

In this and other speeches with similar characteristics, there is an emphasis on the existence of 'deep cultural causes' or the 'profound difference between aspects of beliefs, values and practices' between 'the contemporary "Western" value system and those cultures which sanction or require honour killings'.<sup>19</sup> Accordingly, the practice of 'honour killing' is defined as 'deeply enshrined' in culture (Baroness Rendell of Babergh, HOL, *Hansard texts*, 15.12.2005:c1428). In the words of Baroness Cox:

... this kind of violence is derived from deeply held values, long-established cultural practices and, ultimately, belief systems in which we find the genesis of much which we hold to be good but also, sadly, much which we in this country cannot condone (Baroness Cox, HOL, *Hansard texts*, 15.12.2005:c1428).

These culturally polarizing frames echo the media and judiciary frames that became dominant, particularly after the murder in 2003 of Heshu Yones. Yet, while the media frames tend to conflate culture and religion and use them interchangeably as the root causes of 'honour killing', in the course of the parliamentary debates it has been constantly stressed that 'honour killing' is 'a cultural not a religious practice'.<sup>20</sup> It has also been stated: 'the religious beliefs of those who commit such crimes are unlikely to lead us to understand why honour killings happen' (Lord Dholokia/Liberal Democrat, HOL, *Hansard texts*, 15.12.2005:1440). While most parliamentarians denounced Islam as at the root cause of 'honour killing', they depicted culture, and particularly the culture of those who have immigrated to Britain from South Asian communities, as supporting 'honour killing'.

<sup>19</sup> Similarly, Lord Russell-Johnston (Liberal Democrat) defined 'honour killing' in opposition to Western culture, as a concept that goes back to the 'Stone Age' (HOL, *Hansard texts*, 15.12.2005:c1418)

<sup>20</sup> See also, HOC, *Hansard texts*, 14.06. 2004 for tendency to distinguish between religion and culture when debating 'honour killings'.



Baroness Rendell of Babergh (Labour) noted:

Men [in south Asian cultures] grow up believing that they should kill a female family member who fails to tow the line, and that is not crime. Female support for honour-related violence is also deemed a sign of virtue in these societies (HOL, *Hansard texts*, 15.12.2005:c1436).

The culturally polarizing frames of 'honour killing' have employed an essentialised notion of culture in which culture is presented as unchangeable and the distinguishing characteristic of a particular group. The definition of culture and associated deeply held values as static entities has implied that addressing 'honour killing' is not an easy matter. If 'honour killing' is part of cultures that do not change, how should it be addressed? Pointing to this difficulty, Baroness Cox noted that addressing practices which have deep cultural causes that are rooted 'within the domain of sacred' is a challenge too far for British policy makers (HOL, *Hansard texts*, 15.12.2005:c1427).

One solution proposed by those who have employed a culturally polarizing frame entailed educating those whose culture and belief system purportedly convinces them to kill women in order to restore a defiled state of honour. In this context, Baroness Cox argued:

Can we *help* people here to realise that honour is not lost by an insult or exercise of freedoms which our country enshrines, such as the freedom to choose religion or to marry someone from a different faith, and that honour is not regained by avenging that insult or other kind of perceived shame by violence and death, but that instead honour can be manifest in forbearance and dignity and pride can be demonstrated as forgiveness? (Baroness Cox, HOL, *Hansard texts*, 15.12.2005:c1427, my emphasis).

Such solutions do not take into consideration the fact that cultural communities can also play a role in combating 'honour killing'. Rather, they emphasise the role of 'enlightened' British people in educating those from 'backward' cultures. Despite their best intentions, such solutions echo 'colonial discourses of Britain's civilizing mission' (Korteweg and Yurdakul, 2010:25). Such discourses were justified by the lack of internal criticism in respective communities of the practice of 'honour killing'. Lord Russel-Johnson (Liberal Democrat), for example, argued that the fact that no Kurdish communal or Kurdish Muslim religious leader publically condemned Heshu's murder showed that there was clear community support for 'honour killing' (HOL, *Hansard*

*texts*, 15.12.2005:c1418). Similarly, Ann Cryer (Labour Party) argued that if those communities were prepared to take a lead on these issues themselves, there would be no need for the British people to raise such issues in Parliament (HOC, *Hansard texts*, 14.06.2004:c579).

ii) *Culturally sensitive frames of 'honour killing'*

The second major frame employed during the parliamentary debates also defines 'honour killing' as a cultural practice. Yet, in contrast to the culturally polarizing frames, a culturally sensitive frame aims to undermine cultural generalisations. This frame emphasises that it is important to be 'sensitive not to characterise the issue by reference to race or religion and avoid alienating communities' (Lord Hogson of Astley Abbotts, Conservative, HOL, *Hansard texts*, 15.12.2005:c1442).

What distinguished culturally sensitive frames of 'honour killing' from culturally polarizing frames was that culturally sensitive frames featured elements of 'agonistic respect' when defining the practice of 'honour killing' and the communities supporting these practices. As discussed before, agonistic respect refers to a mode of political engagement that seeks to understand rather than judge those with whom one fundamentally disagrees. In doing so, it aims to transform enemies into adversaries and detach the debate at hand from its polarizing aspects characterized by an unbridgeable divide between 'them' and 'us'. Employing the culturally sensitive frame, Baroness Rendell of Babergh (Labour), for example, warned the officers working at the forefront of honour related violence to avoid employing cultural generalisations:

We must profoundly hope that knowledge of the relatively small number of men, sometimes with female support, carrying out these crimes does not exacerbate racist views or encourage those who are already biased against our citizens from Turkey and the Asian subcontinent to condemn them and bracket them all together as killers in the name of honour (HOL, *Hansard texts*, 15.12.2005:c1436).

The culturally sensitive frame emphasises that 'honour killing' is not associated with particular cultures. In support of this, Lord Parekh (Labour) has argued that 'honour killing' occurs in 'all societies wherever there are strong taboos associated with certain forms of social relationships' (HOL, *Hansard texts*, 15.12.2005:1432). To effectively combat 'honour killing', attention has to be paid to understanding why such killings happen in the first place. Lord Parekh drew attention to the social and economic factors

that provide the motivation for protecting one's honour. He emphasised both the importance of honour for those who economically depend on 'ethnic clientele' and how a family which maintains strict control of its women benefits from a good reputation in the community.<sup>21</sup>

Although those who employed culturally sensitive frames have acknowledged the gender-related dimension of 'honour killing', mainstreaming these murders into the broader framework of violence against women was not considered a viable solution. They emphasised that these crimes have also been committed by women (as in the case of Rukshana Naz). It is therefore difficult to see these crimes as 'only the crime of a man killing a woman' (Lord Hodgson of Astley Abbots, HOL, *Hansard texts*, 15.12.2005:c1442).

In terms of the solutions, culturally sensitive frames stress the need for an attitude change. In the words of Lord Parekh:

... it is not enough to impose a ban or to have a vigorously enforced law. If a man has disposed of his daughter in this way or has shipped her off to Pakistan or wherever, he does not see himself as criminal; nor does his community see him as a criminal—he is a martyr. He is seen as a man of great honour who is prepared to go to prison to maintain the honour of his family and the norms of his society. How do we deal with that? ... The highest penalty that the law can impose is to inflict pain—that is, kill a man. But if a man does not fear death or pain, the law has no sanctions to impose on him. That is why I think that cultural sensitivity of some kind becomes important (Lord Parekh, HOL, *Hansard texts*, 15.12.2005:c1432).

In this context, a strong emphasis is placed on collaborating with people who are working at the grass-roots level and are 'embedded within the community'. Muslim community leaders in particular are depicted as effective people for reaching out to communities.<sup>22</sup> Lord Russel-Johnson (Liberal Democrat) suggested that the government should initiate 'direct and open discussions' with communal and religious leaders 'to seek their active cooperation' (HOL, *Hansard texts*, 15.12.2005:c1418). Community

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<sup>21</sup> In making this argument, Lord Prekh told a story of a Muslim father justifying the importance of honour in the following way: 'In the ethnic market, generally, one tends to depend upon an ethnic clientele. If the word were to go round that my daughter has behaved in this way, and I carry no moral authority within the community, my customers will disappear straightaway and I will starve' (HOL, *Hansard texts*, 15.12.2005:c1432).

<sup>22</sup> Lord Parekh pointed to the difficulty of finding community leaders 'who would be prepared to take unpopular stands'. He argued that 'there is a crisis of leadership within the community. But whatever leadership is available to us, we should mobilise it fully and get it to act in an appropriate manner' (HOL, *Hansard texts*, 15.12.2005).

leaders were claimed to possess first-hand knowledge about 'the distress and anger caused when a daughter is seen to be growing up, not with the parent's value system, but with a western viewpoint' (Baroness Rendell of Babergh, HOL, *Hansard texts*, 15.12.2005:c1436).

In this context, it is interesting to observe that although most parliamentarians denounced religion as a root cause of 'honour killings', the solutions they proposed brought religion back into the picture. The emphasis on working with Muslim community leaders in this context went hand in hand with the then popular multi-faith agenda of the New Labour Government. As I will argue later in more detail, this agenda defined the boundaries of cultural and ethnic communities in term of their religious affiliations. As a result, Muslim community leaders have become the long-sought allies of the British government in the process of tackling culturally controversial issues, such as forced marriage and 'honour killing'.

*iii) Gender-based frames of 'honour killing'*

The gender-based frame defines 'honour killing' as: '[t]he most extreme form of gender-based violence' (HOC, *Hansard texts*, 14.03.2002:c1089). This definition aims to mainstream, rather than single out, 'honour killing'. The key message of this framing is that 'murder is murder' and in Lord Dholakia's (Liberal Democrat) words: '[t]he sooner that we remove the word honour and start to talk about murder, the better' (HOL, *Hansard texts*, 15.12.2005:c1439). Those who employed gender-based frames suggest:

[w]e should not think of honour killings as being linked to non-western civilisations, cultures "out there" that are alien to our own western culture. That is not the case... We cannot any longer treat this as a cultural activity; it must be subjected to international law, to national law and to human rights (Lord Giddens, HOL, *Hansard texts*, 15.12.2005:c1421).

The gender-based frame emphasises the patriarchal roots of 'honour killing' which occur worldwide 'whenever a man regards a woman as his property and seeks to uphold that false assumption by cruel and abusive force' (HOC, *Hansard texts*, 14.03.2002:c1090). As part of their mainstreaming strategy, some parliamentarians drew attention to the gender inequalities in British society and argued that Britain is 'by

no means free of the impulses and imperatives which underline honour killings more generally' (HOL, *Hansard texts*, 15.12.2005:c1421).<sup>23</sup>

A central feature of this frame lies in the way it constructs the victims of 'honour killing'. Following a culture-blind line, the victims are not characterised as 'young ethnic women' who have been trapped between two conflicting cultures. Rather, they are portrayed as 'young British girls' whose human rights are at stake (HOC, *Hansard texts*, 14.06.2004:c577). Even when culture is mentioned as an underlying problem, it is emphasised that it was a particular 'perception of culture' that justified these killings and not a fixed and essentialised notion of culture. Sandra Gidley, for example, defined 'honour killing' as: 'the use of and reliance on *perceived cultural values* to excuse... abuses of human rights' (HOC, *Hansard texts*, 14.06.2004:c579, my emphasis).

In terms of the solutions, the gender-based frames have emphasised the role of women's organizations, particularly those which have been involved in the relevant communities and which are 'sensitised to local community values' (HOL, *Hansard texts*, 15.12.2005:c1421). This frame also emphasises the importance of a society-wide debate in tackling these crimes. It is not only the responsibility of ethnic or religious communities, Lord Dholakia argued: '[w]e all have a responsibility and a duty to ensure that such practices stop'. He continued, claiming:

we must not be afraid to discuss these issues in the mainstream of our own communities. Our debate today is a good example of how to go about the task. We must accept as a starting point the fact that honour killing in our community is a reality and we are against it... communities [too] have a responsibility to ensure that temples, mosques, gurdwaras and other places of worship are able to discuss the issue with a view to ensuring that there is no such thing as an honour killing' (HOL, *Hansard texts*, 15.12.2005:c1439).

In July 2007, the House of Commons Home Affairs Select Committee launched an inquiry into issues around violence against women. This inquiry consisted of a series of

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<sup>23</sup> In this context, Lord Giddens (HOL, *Hansard texts*, 15.12.2005:c1421) argued: 'When we think of these things as alien, we should also bear in mind our own legacy in Victorian times. Then, of course, you did not have honour killings but you did have its social equivalent. In Victorian times, a woman was still the chattel of a man. In law, a woman was the property of her husband and he had rights which the woman did not have. Unmarried women who gave birth to children—or, indeed, who were known to have a sexual relationship—suffered social death and ostracism. Even into the 20th century, the barbaric practice of locking-up such women in mental hospitals continued. You may remember seeing in the press a few months ago examples of women who had been in mental institutions for some 30 years up until about 10 years ago. What was their crime? It was to have a child outside of marriage. So our society is by no means free of these tendencies'.

consultations with key personnel and survivors; visits to women's organizations and refuges; oral evidence from expert witnesses and survivors; and an online consultation which ran from January 2008 for six weeks. In this inquiry, 'honour killing' was defined within the wider realm of domestic violence. The terms of this inquiry, which stated its aim 'to conduct a broad-ranging inquiry into domestic violence, including so-called "honour" killings and forced marriage' (House of Commons and Committee, 2008a:9), represents an important step towards mainstreaming these crimes.

The final report of this inquiry helped to set the agenda and focus for subsequent reports.<sup>24</sup> It characterised 'honour killing' as: 'a grave abuse of human rights' (House of Commons and Committee, 2008a). This definition, according to the report, represents public views expressed during the public consultations.<sup>25</sup> Stating that the predominant victims of domestic violence (including 'honour killing') are women, the report asked government to consider defining domestic violence in broader terms as violence against women (see, paragraph 48, 426). In its response to the Committee's report, the government acknowledged the need to take a 'fresh look at work to tackle violence through the prism of gender' (House of Commons and Committee, 2008b:43).

Particularly after this inquiry, the gender-based frame became the dominant way of defining 'honour killing' in the course of the parliamentary debates. Although the mainstream media continued to frame 'honour killing' predominantly in a culturally polarizing way, that is, as the evidences of a clash of cultures or deep divides between modern and traditional cultures, the parliamentary debates emphasised the need for understanding these crimes as gender-based violence or as human rights abuse (HOL, *Hansard texts*, 06.03.2008:c1273). The victims of these crimes are portrayed predominantly as British citizens who should be protected by the government 'irrespective of the origin and cultural attitudes' (HOL, *Hansard texts*, 19.06.2008:c1178, c1187). It has been suggested that government should 'pander to no cultural or other consideration in dealing with these important issue and the sensitivities that arise from them' (HOL, *Hansard texts*, 19.06.2008:c1200).

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<sup>24</sup>See, for example, the report produced by the Home Office (2009b)

<sup>25</sup>The following response by an anonymous participant was cited as representative of this view: 'We need the community and the professionals to understand this [honour-based violence] is a human rights issue... we should not hide behind "cultural issues" so cannot interfere, may upset the community etc [sic]. The attitudes and views on this subject are what used to be, and to some extent still is in the arena of domestic violence' (House of Commons and Committee, 2008a:13).

The shift from a culture-based to a gender-based definition of ‘honour killing’ occurred as a result of increased dialogues and partnership with non-state actors. Given this, a closer look at these actors and the way they frame ‘honour killing’ can help us define the driving forces behind this transformation. To this end, I will examine state-dialogues with ethnic communities and women’s organizations, both of which have been emphasised in the course of parliamentary debates as important partners in dialogue and cooperation for tackling ‘honour killing’.

#### **4.4. ‘Working with communities’: State-dialogues with community leaders**

As elaborated above, as part of its ‘social cohesion’ agenda, the New Labour Government rejuvenated ‘participatory and dialogical forms of politics’ (Maillard, 2008; Newman, 2001:134). Such politics were seen as being particularly important for addressing culturally harmful practices, such as forced marriage, female genital cutting and ‘honour killing’. Several policy and strategy documents have emphasised the need for engaging in dialogue to address these issues which were defined as: ‘long-standing but totally unacceptable cultural practices’ (House of Commons and Committee, 2008b: Appendix, 19). Besides its educative function, entering into dialogue with cultural communities on harmful cultural practices aimed to shift the perception of communities from being ‘the source of the problem’ to becoming ‘part of the solution and long term preventative work’ (ACPO, 2008: 17).

After ‘honour killing’ became a visible policy area in Britain—in particular after the murder of Heshu Yones in 2003—there was a strong emphasis on the need for dialogue or what came to be described in policy terms as ‘working with the communities’ (Phillips and Dustin, 2004). The dominant way in which Heshu’s case was framed both in the media and by the judiciary as a ‘clash of cultures’ imposed a particular solution as relevant, namely the ‘dialogue of cultures’. The immediate partners in this dialogue were self-appointed community and religious leaders. Faith leaders<sup>26</sup> are seen by authorities to be in a good position to create a supportive environment for victims, survivors and perpetrators of domestic violence. They are believed to gain the trust of the congregation members more easily than statutory agencies (Greater London Authority, 2006). The police, along with government departments, attribute to these leaders an important role in educating communities to end ‘honour killing’.

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<sup>26</sup> Faith leaders are usually defined as ‘those with a specific role within a faith, for example a person who performs religious duties and ceremonies. The phrase also includes influential figureheads who help interpret the teachings of the faith’ (Greater London Authority, 2006).



The government's decision to engage with community leaders can be better understood in the context of the then popular multi-faith agenda of the British government. The promotion of the faith agenda in Britain (a Blair initiative) has resulted in a shift from multiculturalism to 'multi-faithism' (Grillo, 2010; Patel, 2008). Especially after 2001, the government assigned a central role to faith communities in civic renewal and established a 'Faith Communities Unit' to interface with religious bodies. Correspondingly, in 2004, the Home Office publication *Strength in Diversity* defined faith as a key factor in how people from ethnic minority communities identify themselves (Home Office, 2004:7). The shift towards 'multi-faithism' has had important implications for the way cultural identities are understood and represented.<sup>27</sup> As Patel (2008:13) puts it, one visible consequence of multi-faithism was that 'a complex web of political, social and cultural factors', which help to form a particular identity, are reduced to 'purely religious values'. As a result, 'Muslim' became the new ethnicity in Britain (Wilson, 2007:31). This shift helped government agencies to view cultural communities as self-contained wholes with easily identifiable representatives.

The faith-based approach to multiculturalism created a space for unelected community leaders to mediate between cultural communities and formal institutions. The role of these leaders was strengthened particularly in the post-9/11 era with the New Labour Government intensifying its search for male religious leaders to engage in a dialogue with 'Muslim allies' for the so-called 'War on Terror' (Patel, 2008).<sup>28</sup> The government acknowledged the organizations such as Muslim Council of Britain (MCB) to enable a Muslim presence within New Labour (Back et al., 2002).

In 'honour killing' cases, the government worked mainly with the MCB which describes itself as 'a national representative Muslim umbrella body with over 500 affiliated national, regional and local organizations, mosques, charities and schools' (Muslim Council of Britain, 2010).<sup>29</sup> The British government was instrumental in supporting the formation of the MCB so that it could more effectively communicate with a single group on issues concerning the Muslim community (Dasetto, 2000).

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<sup>27</sup> For the essentialist consequences of the multi-faith agenda in Britain, see also Hundal (2007).

<sup>28</sup> In this context, Madood (2003) notes that the shift of emphasis on religious identities has not occurred solely in a top-down fashion. He argues that in Britain, particularly after the Rushdie affair, there is an increasing tendency for minority ethnic groups to identify themselves through their religious faith.

<sup>29</sup> The MCB was not created in a top-down fashion. The need to create a representative umbrella body of Muslim associations and organisations was expressed in consultations with Muslim communities in the aftermath of the controversy surrounding the Rushdie Affair conducted by an independent 'National Interim Committee on Muslim Affairs' (NICMU). As a result, the MCB was formed in 1997 as an umbrella body of Muslim associations and organisations in Britain.

However, the MCM has failed to unify the disparate voices of British Muslims.<sup>30</sup> According to a lead article in Britain's major Muslim magazine, *Q News*, the majority of British Muslims perceive MCB as 'unrepresentative and irrelevant' (*Q News*, March/April 2002). This seems also to be true in relation to their involvement in the issue of 'honour killing'.

Along with other community leaders, the representatives of the MCB were criticised, particularly by women's organizations, as the 'wrong government partners' for combating 'honour killing'. The government dialogues with community leaders have been subject to four lines of criticism. First, it has been argued that community leaders cannot do much to end honour-based violence. Brandon and Hafez (2008), for example, found that rather than providing help, some community leaders themselves have attempted to carry out 'honour killings'. The dialogical engagement with community leaders is claimed to have strengthened only 'the influence of elderly and conservative men who are likely to support traditional ideas of honour and patriarchy—and who are reluctant to condemn violence against women' (Brandon and Hafez, 2008:142, 111).

Second, it has been argued that a state-dialogue with community leaders is based on an idea that cultures or religions are homogenous entities. They therefore fail to recognize and take into account the intracultural/religious diversity within each culture/religion. The Southall Black Sisters (SBS) argued that the British state 'treats minority communities as homogenous entities with no power divisions within them, ignoring the voice of women and other powerless sections' (Southall Black Sisters, 2001:9). State agencies are criticised for not listening to the voices of women and for ignoring their needs. Community leaders are claimed to express their views 'with one distorted dimension or another which reinforces the control that they want to have over women' (Beckett and Macey, 2001:311). Indeed, it has been argued that by listening to 'authoritative' voices of community leaders, government agencies continue to make women 'victims of essentialized and homogenized stereotyping' (Yuval-Davis et al., 2005:523).

Third, the state-dialogues with community leaders are claimed to reinforce the government's tendency to 'exoticise' 'honour killings' as a culturally specific practice

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<sup>30</sup> This is also due to the fact that Islam, unlike Christianity, does not provide an over-arching body and central authority which can speak for it. As Malik (2006:1) notes, Islam is 'inherently pluralistic and diffuse in its widespread geographical distribution and organisation, mostly conditioned by regional or local cultural traditions'.

and 'to isolate them from wider debates on violence against women and state accountability' (Patel, 2008:21). This was partly due to the fact that community leaders have failed to offer an alternative framing for 'honour killing'. At most, they have said that Islam has nothing to do with such crimes, a point which has already been emphasised and represented (as we have seen in the course of parliamentary debates) by British policy makers. Those Muslim community leaders who expressed their views in the media have failed to offer any counter narrative about 'honour killing'. They have simply repeated the dominant discourse which has defined the differences in value systems as the root cause of 'honour killing'. For example, after the murder of Heshu Yones, the MCM spokesperson, Inayat Bunglawala, said that there is indeed a 'tension' between values of Islam and life in the UK. He showed sympathy with Abdalla Yones and suggested that 'it may have been disheartening to see his daughter growing up not with his values system but someone else's' (*BBC News*, 30.09.2003).

Finally, several scholars and women's organizations criticised government agencies for colluding with community leaders 'to deny protection to women within the community for the sake of maintaining good community and race relations' (Siddiqui, 2005:271; Southall Black Sisters, 2001; Wilson, 2007). They argued that New Labour's community cohesion agenda which aimed to establish 'peaceful interfaith relations' meant defining away the needs of minority women. According to Gill (2008):

Money is thrown... at initiatives intended to integrate communities, at the cost of excluding women from BME [Black, Minority, and Ethnic] communities from the very services that they need to build their futures and to empower them to escape the violence perpetrated against them.<sup>31</sup>

Overall, the state-dialogues with community leaders show that when based on the essentialist account of culture, dialogue tends to suppress the heterogeneity within each culture and continue to create binary oppositions between cultures/religions. It adds to the perception of culture as fixed and immutable, rather than selectively represented by powerful members of a group. In the absence of dissenting voices, interpretations of religious and cultural norms remains in the hands of patriarchal community leaders.

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<sup>31</sup> Similarly a representative of Southall Black Sisters argues that '[after] 9/11 and 07/07, the government's priorities have been around preventing extremism, [resulting in] the government putting a lot of money in, millions of pounds, into funding faith-based organisations. [This] has created a situation where the more conservative elements within (minority) communities have been... boosted with more funding from the state... [while] groups who are secular, like ourselves—women's organisations—have actually faced [a] funding crisis and as a result... closure [of] or reduced services (SBS, cited in: Begikhani et al., 2010:112).

Under such circumstances, dialogue works to 'silence some voices and bolster others' (Sterling 2005 cited in: Marsh et al., 2007: 57).

The British state-dialogues with community leaders also demonstrate how dialogue can be instrumentalised by public authorities to reinforce dominant viewpoints. There is a widespread scepticism about the prospects for genuine dialogue when these are initiated by government agencies (Back et al., 2002). For example, Marsh et al. critically argue that the participatory and deliberative notions of politics which were rejuvenated under the New Labour Government were not necessarily concerned with democratizing the process and practices of government. Rather, public consultations were instrumentalised for securing governmental legitimacy (Marsh et al., 2007:32). In their account, despite New Labour's commitment to community involvement, the dominant top-down understanding of politics continued to dominate both the discourse and practice of democracy. A similar conclusion can be drawn when considering the dialogues with cultural communities on 'honour killing'. Arguably, one positive impact of these dialogues was that they strengthened the counter-narratives of 'honour killing' employed mainly by women's advocacy groups and established the need to pay more attention to the question of who speaks for any particular community.

#### **4.5. Women's organisations and alternative frames of 'honour killing'**

As noted previously, government agencies have been criticised for failing to consult women's organisations and women in ethnic communities. In response to these critics, in 2005 the Metropolitan Police established a new Forced Marriage and Honour Based Violence Working Group with government and non-government organisations including South Asian and Middle Eastern women's groups.<sup>32</sup> Such collaborative efforts offered women's organisations an opportunity to influence policy making on the issue of 'honour killing'. This, however, is not to suggest that women's organisations previously had no effect in shaping 'honour killing' policies. British women's organisations have been long-time adversaries of state policies on violence against women. In fact, protests and campaigns carried out by women's organisations on

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<sup>32</sup> For examples of small scale forums (a round table discussion) bringing women's organisations and government agencies together see Gill (2009). Other examples of working groups composed of government agencies and women's organisations include the ACPO Honour Killings Gold Group which was established in 2004, and several 'multi-agency' working groups established by the Metropolitan Police since 2002 (Siddiqui 2005, Gill 2009).

'honour killing' have played a significant role in making government agencies responsive to these issues (Dustin, 2007; Korteweg and Yurdakul, 2010).

Long before 'honour killing' became a visible policy area in the UK, a number of women's organisations were seeking to improve the policy responsiveness of government to violence against women by organising grassroots campaigns, protests and lobbying (Dustin and Phillips, 2008:408). One early initiative was the Project on Strategies to Address 'Crimes of Honour', set up in 1999 and jointly coordinated by the Centre of Islamic and Middle Eastern Laws (CIMEL) at the School of Oriental and African Studies, University of London, and the International Centre for the Legal Protection of Rights (INTERRIGHTS).<sup>33</sup> Other organisations and campaigns with a specific focus of combating honour based violence include: End Violence Against Women Campaign; Equality Now; Newham Asian Women's Project; Southall Black Sisters; Kurdish Women's Action against Honour Killings; Iranian Kurdish Women's Rights Organisation (IKWRO); and Karma Nirvana.<sup>34</sup>

However, despite their consistent work in the field of violence against women, women's organisations had limited influence during the time when the Labour Party was in opposition. As several scholars note, the 'success' of women's movements seems to be largely depend on the party in power. Those organisations which ally in advance with opposition parties tend to achieve rapid and large scale policy changes once these parties win office (Beckwith, 2010:30). In Britain, the return of the 'women-friendly' New Labour to power in 1997 after 18 years in opposition provided new opportunities for women's organisations to influence state policies. They subsequently gained routine access to decision making and even institutions of government (such as a Minister for Women) to enforce their policies (Bagguley, 2002; Lovenduski, 2005; Mackay, 2008).<sup>35</sup>

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<sup>33</sup> The details of non-governmental organisations in the UK working to address 'crimes of honour' including 'honour killing' can be found in a Directory of Initiatives provided by this project in CIMEL/INTERRIGHTS (2011).

<sup>34</sup> For a detailed description of each organisation see Suruchi (2007). Apart from those organisations on a national level, supra national institutions like the European Union, Council of Europe, and the United Nations play important roles in developing policies to counter violence against women at a national level. Women's movement actors actively use internationally agreed standards and conventions to put political pressure on their national governments (Hawkesworth, 2006).

<sup>35</sup> Bagguley (2002:178) notes that while in 1987 only 9.2 per cent of MPs were women, in 1997 this had risen to 18.2 per cent and several women Labour MPs are noted for having past careers as feminist activists. He contends that the creation of the first time full-time paid Minister for Women, and the fact that 31 per cent of government positions are filled by women including seven Cabinet members, present further evidence for 'success' in terms of the 'feminization of formal politics' in Britain.

Although influencing and transforming state policies is the ultimate aim of most women's advocates, partnership with state institutions poses dilemmas for them: Can women's advocates collaborate with state institutions without becoming co-opted to goals contrary to their own beliefs? In other words, do women's organisations lose their critical voice if they gain access to institutionalised politics? This is an important question, particularly in the context of the British women's movement which has moved away from a strategy of 'movement autonomy' to 'state involvement' (Bagguley, 2002; Beckwith, 2007).<sup>36</sup> It is difficult to judge the 'success' of these strategies independently of the policy issues at stake. While some issues may benefit from a movement's autonomy, others may require state involvement. The issue of 'honour killing', for example, is a difficult if not inappropriate issue for women's advocates to insist on movement autonomy. Actors in the women's movement cannot turn their back on state institutions whose role is indispensable in combating these crimes, prosecuting perpetrators and securing safety or support for victims.

A careful examination of the role of British women's organisations in the 'honour killing' debate suggests that it might be misleading to conceive the relationship between institutionalised and non-institutionalised politics in a binary fashion. As Goldstone (2003) rightly argues, adversarial groups can continue to be the 'challengers' of state politics, even after gaining routine access to decision-making mechanisms. In the British 'honour killing' debates, women's organisations have played this dual role and acted as both adversaries of, and collaborators with, government agencies. In other words, they have not lost their critical voice as a result of their collaboration with state institutions; they have continued to challenge the dominant frames of 'honour killing' and succeeded to a large extent in changing the terms of the 'honour killing' debate.

In doing so, Non-Departmental Public Bodies (NDPB), so-called quangos, offered major opportunities for women's organisations to engage with state institutions without losing their critical voice.<sup>37</sup> On issues related to women, the WNC has played a crucial role in bringing the voice of women to government. This Commission was set up in 1969 by the government as a non-departmental body to provide independent advice to

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<sup>36</sup> Some scholars argue that securing 'movement autonomy' is crucial for the success of women's movements. They seek ways of combating violence against women without incorporating state institutions in their solutions. Penell (2006), for example, argues that community-based solutions, such as restorative practices, can offer an alternative to state intervention and save a movement's autonomy.

<sup>37</sup> The British Government defined NDPBs as '[a] body which has a role in the process of national government, but is not a government department or part of one, and which accordingly operates to a greater or lesser extent at arm's length from Ministers' (Cabinet Office, 1997).

the state in policy matters concerning women. The government recognized the WNC as 'an important mechanism to enable government to connect directly with women's organisations' (Donaghy, 2007:7). The WNC has worked in partnership with a large number of women's organisations and with women from minority ethnic and religious groups.

Besides bringing the concerns of women's organisations into a sharper focus, the WNC aimed to give a voice to the women in minority communities on issues related to honour-based violence. It steered a number of public consultations with women in ethnic minorities with the aim of informing government policies. In 2006, the WNC facilitated a public consultation with minority women on issues of honour-related violence entitled 'She Who Disputes: Muslim Women Shape the Debate' (2006). The participants in this consultation criticised government agencies for approaching men only as representatives of cultural communities and for their tendency to single out 'honour killing' as a culturally specific form of murder (She Who Disputes: Muslim Women Shape the Debate, 2006).<sup>38</sup> Women's organisations have successfully utilized the WNC and the public consultations it has facilitated with women in minority communities to influence state policies and establish a gender-based definition of domestic violence and 'honour killing' (Predelli, 2009).

As noted before, the main dispute between government agencies and women's organisations has been on the question of how to frame 'honour killing': as part of, or separately from, mainstream domestic violence provision and legislation. Although there is no official document in Britain that defines 'honour killing' as a culturally specific form of murder, in policy terms, 'honour killing' is usually treated separately from 'mainstream' violence against women (Dustin, 2006:17; Meetoo and Mirza, 2007b). Government agencies were inclined to single out these crimes and treat them as 'culturally harmful practices' that exist only in certain minority communities (Siddiqui, 2005). We have seen a similar approach employed by the court in Heshu's case. Scholars and women's activists argued that by focusing on the alleged cultural reasons behind 'honour killing', government agencies promote stereotypes of culture and fail to

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<sup>38</sup> Similarly, the recommendations of focus groups steered by the WNC in 2009 as part of nation-wide public consultations on violence against women and girls stated that 'government tends to over-emphasise the violence experienced by BME [Black, Minority, Ethnic] women as "honour" based violence, which they felt can segregate BME women's needs and experiences from other women's experiences, serves also to marginalise BME women from wider debates on violence against women, and can encourage statutory agencies to find different solutions' (Women's National Commission, 2009:12).



deal with these crimes as what they 'really' are: abuses of women (Phillips and Saharso, 2008).

Most women's organisations in Britain define 'honour killing' as violence against women (Begikhani et al., 2010:107; Dustin, 2006:18). They argue that 'honour killing' is clearly gendered, as honour is nothing but 'the desire on the part of male leaders within these patriarchal social groups to retain their political and cultural authority by reinforcing established gender roles and expectations' (Gill, 2009:477). According to them, a focus on 'honour killing' as a special case outside the boundaries of violence against women may easily promote a racist agenda (Gupta 2003) and lead cultural communities 'to turn further inwards and reinforce the practices in question' (An-Na'im 2000 cited in Reddy, 2008:310). In the face of such risks, most women's groups agree that policies to address 'honour killing' should be integrated into broader domestic violence policy. This would, they suggest, allow these issues to benefit from the resources and best practice developed in the area of violence against women (House of Commons and Committee, 2008a:15). They believe that a mainstreamed approach to 'honour killing' can also prevent the building of a 'parallel universe' which assumes that experiences of ethnic women minorities are different from those of white women. Their point is that in policy terms, there should be no difference between 'a white man beating his wife for talking to a neighbor' and 'an Asian man killing his daughter for having a Christian boyfriend' (Suruchi, 2007:41).

Although most women's organisations define 'honour killing' within the violence against women framework, they do not agree on the strategy of mainstreaming 'honour killing'. Middle Eastern women's groups (such as IKWRO), for example, argued that it is important to treat 'honour killing' separately to make sense of, and deal with, them in a targeted way (House of Commons and Committee, 2008a:15). They also doubt that 'honour killing' fits the core government definition of domestic violence which restricts perpetrators to family members.

There are in fact important differences between 'honour killing' and domestic violence (Welchman and Hossain, 2005). Most notably, 'honour killing' perpetrators are not restricted to family members. In addition, 'honour killings' are often perpetrated by more than one individual. The perpetrators include a wide network of community and family members, such as the mothers, brothers, cousins or, as in Banaz's case, uncles. Given this, several women's organisations argue that if 'honour killing' is to be treated

as a form of domestic violence, it is necessary to widen the definition of domestic violence in a way that does not restrict the perpetrators to partners or ex-partners.

Disputes over the definition of 'honour killing' and domestic violence became particularly visible after the murder in 2007 of Banaz Mahmod. Banaz's case diverted public attention from cultural communities to the failures of the police department in responding to 'honour killing'. Many women's organisations, such as SBS, Women's Aid and the End Violence against Women Campaign, used Banaz's case as a window of opportunity to criticise the criminal justice system for failing to address 'the general problem, which is the gendered context in which the murder and abuse of women occurs' (Gill, 2009:487).

British women's organisations have had three basic demands of the state. First, they have claimed that the state should recognize that domestic violence is not a gender-neutral phenomenon. It is perpetrated mostly by men against women and should be defined within the broader context of violence against women.<sup>39</sup> It is claimed that a gender-based definition of domestic violence offers a better framework to tackle the forms of violence against women, including 'honour killing'. Second, women's organisations have argued that in order to capture the specificity of 'honour killings', the perpetrators of domestic violence should not be restricted to partners and ex-partners, but should include wider family members such as uncles and brothers. Third, women's movement actors have demanded changes in murder laws to prevent courts from accepting cultural reasons as a mitigating factor. Although the state has not fully met the demands raised by women's organisations, organisations such WNC, EVAW and SBS have been successful in persuading the government to treat 'honour killing' within a broader framework of violence against women (Predelli, 2009). While ten years ago 'honour killing' tended to be seen as a harmful cultural practice and isolated from general work on gender violence, in recent years there is a visible shift from

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<sup>39</sup> There exist different definitions of domestic violence. For example, the United Nations (UN) uses a gender-based definition which situates domestic violence within a broader context of violence against women. According to this definition, domestic violence is: 'Any act of gender-based violence that results in, or likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life' (UN Declaration of Violence Against Women, Article 1). The common non-statutory definition of domestic violence adopted across the UK Government is gender-neutral. According to this definition, domestic violence is: 'Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality' (House of Commons and Committee, 2008a:11).

culture-based to culture-blind/gender-based frames of 'honour killing'.<sup>40</sup> In what follows, I will identify the signs of this shift and discuss the reasons behind it.

#### **4.6. Transformed frames: Gender-based and hybrid frames of 'honour killing'**

An examination of the British 'honour killing' debate over time reveals that although the claims made by women's organisations have not been accepted by the government as a whole, there is evidence of 'transformed frames' in the way core government intuitions define 'honour killing'. There is a growing tendency towards defining 'honour killing' predominantly as a gender-based crime. As already noted, this shift is evident in the parliamentary debates.<sup>41</sup> Parallel to the shifts in parliamentary debates, evidence of legal judgements suggests a growing reluctance to allow culture as a mitigating factor in cases of 'honour killing' (Dustin, 2007; Reddy, 2008). The discourses employed by judges and court decisions in two separate cases examined in this chapter, the murders of Heshu and Banaz, illustrate the shift of focus from culture to gender in defining the root causes of 'honour killing'.

This is, however, not to suggest that culture has completely disappeared as a relevant factor in the definition of 'honour killing'. Rather, what we observe is that along with gender-based frames, British government agencies began to employ hybrid frames of 'honour killing'. The hybrid frames can be seen as a product of what Rupa Reddy (2010:265) calls a 'mainstreaming plus' approach. This approach endorses the need for mainstreaming 'honour killing' as gender-based violence but also draws attention to culturally specific motivations. One particular characteristic of hybrid frames resulting from this approach is that although such frames emphasise culture as the driving force behind 'honour killing', they avoid employing an essentialised notion of culture and place emphasis on the 'perceived' nature of cultures. As noted at the outset of this thesis, hybrid frames are not given in the 'honour killing' debates, they emerge rather as a result of various interactions among multiple publics. These interactions help reveal that cultures are not homogenous entities and encourage government agencies to take intracultural differences into account when addressing 'honour killing' cases.

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<sup>40</sup> I am grateful to Moira Dustin for sharing her insights on this point with me.

<sup>41</sup> I have shown that the shift from a culture-based to a gender-based framing of 'honour killing' is also observable in the portrayal of the victims during the course of the parliamentary debates. While culture-based frames put an emphasis on the ethnicity of victims, gender-based frames emphasise their gender.

In Britain, evidence of the shift from culture-based to gender-based and hybrid frames of 'honour killing' can be seen in a variety of areas, including in changes to government enquires, parliamentary bills, murder laws and police strategies.

### *The terms of government enquiries into 'honour killing'*

In recent years, there have been two broad government enquiries into the issues of violence against women. The first inquiry, conducted by House of Commons Home Affairs Select Committee in 2007, focused on the implementation and effectiveness of the 2004 Domestic Violence, Crime and Victims Act. This inquiry included 'honour killing' under the broader umbrella of domestic violence. The terms of the enquiry itself state the intention to 'conduct a broad-ranging inquiry into domestic violence, including so-called "honour" killings and forced marriage' (House of Commons and Committee, 2008a:9). Similarly, the most recent nation-wide public consultation launched by the Home Office in 2009, entitled 'Together We Can End Violence against Women and Girls', included 'honour killing' under the broader category of 'violence against women and girls' (Home Office, 2009a).<sup>42</sup> The very fact that the government launches consultations on 'honour killing' in conjunction with domestic violence or within the framework of violence against women suggests a mainstreamed approach to 'honour killing'. The terms of these consultations draw our attention to the commonalities between 'honour killing', domestic violence and violence against women, and justify their examination together (Reddy, 2010:16).

### *Change in the Domestic Violence, Crime and Victims Act*

The government inquiry conducted in 2007 by the House of Commons Home Affairs Select Committee focused on the differences between domestic violence and honour-based violence, suggesting that the latter 'differs from domestic violence in that it is often perpetrated by more than one individual, from the victim's own family or wider community' (House of Commons and Committee, 2008a:13). The final report of the inquiry concluded that the domestic violence provisions are 'often inadequate and inappropriate' to capture this aspect of 'honour killing' (House of Commons and Committee, 2008a:70). This has led to an amendment to the 2004 Domestic Violence,

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<sup>42</sup> Around 10,000 people are reported to be engaged in these consultations. Home Office (2009b:4) noted that over the course of three months 'more than 300 victims of violence participated in 24 focus groups undertaken by the WNC. Around 9,000 responses to the consultation were received by email or in the form of written responses and completed surveys'.

Crime and Victims Act. While the Act previously defined domestic violence as intimate partner violence, the amendment bill offers an enlarged definition of domestic violence and includes a wider range of family members as perpetrators.<sup>43</sup> This enlarged definition allows ‘honour killing’ cases to be encompassed under a larger framework of domestic violence.

The demand from women’s organisations to establish a gendered definition of domestic violence has also been taken up by some government agencies, most notably by the CPS. The new Violence Against Women Strategy Action Plan launched by the CPS in 2008 employs a gender-based definition of domestic violence and presents further evidence for the ‘transformed frames’ (CPS, 2008). According to Line Predelli (2009:19), the new CPS strategy signals an entirely new policy approach which meets all the basic claims made by women’s movement actors in relation to a gendered strategy on violence against women.

#### *Change in murder laws*

The 2009 change in the law of murder in England and Wales also illustrates a move away from culture-based frames of ‘honour killing’. The main change to the law deals with provocation. Previously, people who killed after being provoked into losing their self-control could have a ‘defence of provocation’.<sup>44</sup> This is a partial defence, leading to a conviction for manslaughter rather than murder. There is an important distinction between these two forms of conviction. While murder attracts a fixed sentence of life imprisonment, the sentence for manslaughter depends on the discretion of the sentencing judge (CPS, 2010). The accused may use a ‘defence of provocation’ and claim that they have killed after being provoked as a result of things said or done.<sup>45</sup> If convinced of the defence of provocation, the judge may reduce the charge from murder to manslaughter. This is precisely where the moral judgement of the court comes into

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<sup>43</sup> The new bill, for example states that ‘a person is to be regarded as a “member” of a particular household, even if he does not live in that household’ (House of Commons 2010:3).

<sup>44</sup> The defence of provocation developed in the 17<sup>th</sup> Century on the grounds that some circumstances mitigate murder, one of which was catching one’s wife in the act of adultery when ‘a violent response was not only condoned but necessary for a man of honour’ (Sullivan, 1993: 422, cited in Dustin, 2007:167).

<sup>45</sup> A successful plea of provocation requires the accused to satisfy two tests, one subjective and the other objective. With regard to the subjective test, the law only mitigates those killings which were committed in hot blood. This requires that the killings were not premeditated. The objective test asks whether a ‘reasonable person’ would respond to the situation in a similar manner. Carline (2011:89) notes that the objective test has brought further difficulties as the courts have endeavoured to decide who should qualify as a reasonable person. Although developed to invoke a ‘universal standard’, in practice the ‘reasonable person’ embodies the characteristic of ‘the white, middle-class, Western, heterosexual man’.

play. In this context, culture becomes relevant when discussing ‘the gravity of the provocation’ (Carline, 2011:89). In the case of Heshu Yones, for example, the judge accepted the provocation plea and convicted Heshu’s father of manslaughter rather than murder. In other words, the judge accepted that having a Christian boyfriend can in fact provoke a Muslim father.

The defence of provocation has long been a target for feminist campaigners who have drawn attention to the way it is used to mitigate crimes of violence by men against women (Phillips, 2003). It has been argued that the provocation defence is informed by patriarchal attitudes which constructs women as male property and allows men to commit homicide due to the sexual behaviour of their wife or daughter (Carline, 2011:82). This was changed in the new Coroners and Justice Act (2009) which replaced the defence of provocation by a new partial defence to be known as ‘loss of self control’. In deciding whether loss of self control had a qualifying trigger, the courts must ignore factors such as sexual infidelity, jealousy or honour as reasons to kill. Previously the jury could allow these as a basis for the partial defence (House of Commons, 2009). The new law prevents men from using women’s ‘unapproved’ behaviour as justification for killing them and forces courts to ignore cultural factors.

### *Shift in police strategies*

An emphasis on the gender dimension of ‘honour killing’ is also observable in the frames employed by police services, most notably by the Association of Chief Police Officers (ACPO). ACPO is the overarching national police body in England, Wales and Northern Ireland. It is responsible for formulating policies to be implemented by all of the police forces under its remit.<sup>46</sup> In 2008, following extensive consultations with various actors including survivors of honour based violence, ACPO launched its ‘Honour Based Violence Strategy’ (hereafter ‘ACPO strategy’) (ACPO, 2008). The development of this strategy was triggered by the failed police response to Banaz’s murder (Begikhani et al., 2010:127).

The ACPO strategy defines ‘honour killing’ as honour-based violence which is characterised ‘as a crime or incident, which has or may have been committed to protect

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<sup>46</sup> ACPO is the overarching national police body in England, Wales and Northern Ireland. It is responsible for formulating policies to be implemented by all of the police forces under its remit. For a detailed explanation of its organisational structure and tasks, see ACPO (2010).

or defend the honour of the family and/or community' (ACPO 2008:5). The strategy clearly promotes a gender-based approach to honour based violence, by further specifying such violence as a fundamental human rights abuse which 'cuts across all cultures, nationalities, faith groups and communities' (ACPO 2008:5f). It also places an emphasis on the gender-related dimension of such violence and acknowledges that 'women are predominantly the victims of honour based violence' (ACPO 2008:5f).

Besides gender-based frames, the ACPO strategy also employs some elements of the hybrid frame of 'honour killing'. Although culture is depicted as a motivating factor behind honour based violence, it is not defined in essentialist terms as fixed and immutable entity. The strategy draws attention to the perceived, and thus contested, nature of culture. It states that honour based violence is 'used to control behaviour within families to protect *perceived* cultural and religious beliefs and/or honour' (ACPO 2008: 5, my emphasis). The same interpretation of culture in relation to 'honour killing' is also evident in the most recent Home Office strategy paper entitled 'Together We Can End Violence Against Women and Girls' (Home Office, 2009b). Although culture is mentioned as a reason to kill women, here too an emphasis is placed on the 'perceived' nature of culture. 'Honour killing' and the strategies to tackle it are framed predominantly within the broader framework of violence against women (Home Office, 2009b:68).

### *The 'success' of women's organisations*

These changes reflect a mainstreamed approach to 'honour killing' and a move away from culturally polarizing interpretations of these crimes. They represent a significant victory for women's organisations which strongly lobbied the British government to establish a gendered approach to 'honour killing'. According to Phillips and Saharso (2008:298), the involvement of women's organisations in the British 'honour killing' debate has 'helped turn what might otherwise be a politics of cultural stereotyping in a more positive direction'. This outcome owes much to a prior history of women's activism on the issue of 'honour killing' (Dustin and Phillips, 2008:420) and also the presence of institutions that have enabled a 'sustained' interaction between government agencies and organisations representing the experiences of minority women. The institutional and discursive opportunities available to women's organisations in Britain have created a favourable context for them to influence the policies related to honour based violence. I suggest that besides increased opportunities of participation in



decision-making circles, particularly under the New Labour Government, semi-formal, non-departmental bodies, most notably the WNC, have provided a significant 'entry point' for women's organisations to affect the policies concerning women.

In this context it is important to note that although crucial, having access to decision making does not alone guarantee frame transformation. We have seen that other actors who have had access to decision-making institutions, such as community leaders, have not been as influential as women's organisations. The 'success' of women's organisations in Britain is also linked to what Koopmans (2004) calls 'discursive opportunity structures'. Koopmans differentiates between institutional and discursive opportunity structures and suggests that while the institutional side consists of 'the structure of the political system and the composition of power in the party system', the discursive side is about the 'established notions of who and what are considered reasonable, sensible and legitimate' (Koopmans, 2004:451). In other words, the discursive opportunity structure involves who is recognized as the main meaning-making body on the issue at hand. In the British 'honour killing' debate, women's organisations have had a 'discursive advantage', as they have been recognized by the government as the main meaning-making institutions.

Government agencies openly acknowledge their expertise in this field and emphasise the need for collaboration to address 'honour killing' effectively.<sup>47</sup> Several policy documents such as White Papers and consultation reports point to the preferred role and legitimacy of women's organisations. Similarly, most media reports have included their views on the issue of 'honour killing'. The discursive establishment of women's organisations as central actors in policy reports, in the media as well as in the course of the parliamentary debates, seems to have provided a conducive context for their claims to be taken seriously by government agencies.

#### **4.7. Conclusion**

In this chapter, I examined the British 'honour killing' debate by looking at disputes over the definition of 'honour killing' and examples of dialogical solutions designed to tackle these murders. A close analysis of this debate demonstrates that deep disagreements are not self-evident but discursively constructed and contested. To say that deep disagreements are discursively constructed is, however, in no way to suggest

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<sup>47</sup> See, for example, House of Commons (2008:33).

that they are somehow fabricated. Rather, their discursive construction draws attention to the particular socio-cultural context in which they arise and to the process of their creation, to which various actors equally contribute. In the case of Britain, we have seen that ‘honour killing’ was initially taken as implying *fundamentally* irreconcilable differences between majority and minority cultures. Yet, as a result of ongoing framing contestations, they have come to be defined within the broader spectrum of domestic violence or violence against women. Although the media continues to refer to ‘honour killing’ as a ‘cultural practice’, in major government documents and during the course of parliamentary debates, frames of gender-based violence predominate.

The British case shows that state-dialogues with cultural communities can intensify, rather than resolve, deep disagreements. Here, state-dialogues with community leaders have not yielded any viable solutions for addressing ‘honour killing’. This, though, should neither imply the wholesale rejection of dialogue as a solution, nor the role of state institutions in initiating such dialogues. It implies instead that more attention needs to be devoted to the notion of culture that is employed by state institutions as this has direct implications in terms of who participates in those dialogues and who speaks for any particular community. When based on an essentialised notion of culture, state-dialogues with cultural communities may easily lead to the exaggeration of cultural differences and the intensification of existing conflicts. I have argued that dialogues initiated by institutions at the intersection of formal and informal spheres, such as the WNC, can play a significant role in terms of revealing intracultural differences and establishing new forms of alliances among various groups.

This chapter has also shown that the question of whose voices are heard largely depends on the institutional and discursive opportunity structures in a given society. This suggests that changes in governing parties and government structures can imply new constraints and opportunities for addressing deep disagreements. In this chapter, the time period under investigation covered mainly the time when the Labour Party was in power. In 2010, the Labour government lost the election after being in power for 13 years and the Conservative Party came to power in coalition with the Liberal Democrats. Soon after coming to power, the Coalition government initiated a review of all non-departmental public bodies as part of its program of cuts in public expenditure. As a result of this review, on 31 December 2010, the WNC was closed down. This was justified by the argument that there is no need for a separate body for women—the work of the Government Equalities Office (its sponsor department) covers all forms of

discrimination, including gender (Women's National Commission, 2011). What the current change in government and institutional structures will bring in terms of developing alternatives to 'failed multiculturalism' and strategies to combat honour-based violence remains to be seen.

In this chapter, I sought to offer a contextual analysis of the British 'honour killing' debates by identifying the major actors in these debates, the frames they have employed when defining 'honour killing', where and how they have interacted with each other, and the results of these discursive interactions. I will return to the particularities of the British 'honour killing' debates in chapter 6 when assessing the deliberative quality of these debates. But to determine what was particular about the British debate and to make the invisible visible, a comparison is required. To this end, in the next chapter I move to an analysis of the 'honour killing' debates in Germany.

## Chapter 5

### 'Honour killing' debates in Germany

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The concept of so-called multicultural society has failed. It supported the establishment of parallel societies and the segmentation of cultural groups with their own value systems. This also entails the worst form of self-justice: the so-called honour killing (Nicolas Zimmer, Press Release, Die CDU Fraktion Berlin, 14.09. 2005).<sup>1</sup>

We maintain that honour killings, forced marriage, and the oppression of women are not compatible with our religion. But the majority society, too, should finally stop discussing German values as values that foreigners have to adjust to. It is not a matter of German or Turkish values. It is about universal human rights (Safer Çinar, Spokesperson for the Turkish Union for Berlin-Brandenburg, Die Tageszeitung, 22.02. 2005).<sup>2</sup>

This chapter continues to explore the necessary conditions for a deliberative treatment of deep disagreements in multicultural societies. It examines how the issue of 'honour killings' has been debated in a different political context—in Germany. On the surface there are obvious affinities between the German and British cases of 'honour killing'. This is particularly true for the initial reactions given to these tragic events by politicians, the media and the wider public. Similar to Britain, in Germany 'honour killings' have been regarded as evidence of cultural conflicts and non-negotiable differences between the 'modern' Western culture and 'backward' minority cultures. They triggered heated debates on multiculturalism, tolerance and the oppression of women in traditional cultures, and led to the emergence of rigid boundaries between minority and majority cultures.

A closer examination of German 'honour killing' debates, however, reveals that there are substantial differences between the German and British cases. These differences become particularly visible when these cases are seen from the perspective of deliberative democracy. In Germany different actors and voices gain legitimacy in the meaning-making process of 'honour killing'. In this chapter, I seek to map out these actors and their discursive contestations over the meaning of 'honour killing'. I ask how

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<sup>1</sup> All translations from German to English are my own.

<sup>2</sup> Cited in Korteweg and Yurdakul (2010:17).

'honour killing' was framed in public and policy debates, which counterframes were employed to construct political alternatives and whether this changed over time.

This analysis reveals that compared to the British debate, the 'honour killing' debate in Germany is less characterised by the contestation between alternative frames. Here, the culture-based frames of 'honour killing' dominate both public and policy discourses. I relate this tendency to the institutional and ideological context in Germany and argue that the excessive focus on corporate forms of representation in this country, in particular, has limited the venues for deliberation across difference and hindered the emergence of alternative frames of 'honour killings'.

This chapter is arranged in six sections. In the first section, I provide a brief overview of the socio-political context which gave rise to the 'honour killing' debates in Germany. In the second section, I examine the first high-profile 'honour killing', the murder of Hatun Sürücü by her brother in 2005, and explore the symbolic meaning of this murder within the meaning-making process of 'honour killing'. In the third section, I focus on the German parliamentary debates and present the framing contestations among political parties over the meaning of 'honour killing'. In the fourth section, I reflect on the patterns of interaction between publics and counterpublics of the 'honour killing' debates, and explore the role of the feminist counterpublics in shaping the terms of debate. In the fourth section, I look at how 'honour killing' was debated in the state-dialogues with minorities and discuss the various issues these dialogues raised, particularly with respect to representation and legitimacy. In this section, I also discuss the role of 'authentic insiders' who were invited to state-dialogues to speak about women's concerns from a perspective of 'affected communities'.

### **5.1. The rise and rise of the 'honour killing' debate in Germany**

'Honour killing' is a relatively new phenomenon in Germany. Until recent years, the practice was not widely known and did not receive public attention. Neither was there a legal or policy response that was designed specifically to deal with these types of murders. In 2001, for example, the German Parliament introduced a motion bringing attention to incidents of 'honour killing' occurring worldwide (Deutscher Bundestag, 2001). This motion listed 13 countries in which such murders occurred, including Jordan, Syria, Turkey and Sudan. Germany was not included in this list. In this motion, politicians were reluctant to use the term 'honour killing', they preferred the term

'shame killings' (*Schandmorde*)—a term coined by the then Secretary General of the United Nations, Kofi Annan—as a better depiction of these tragic events (Bundestag, 2001:3).

In 2003, the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (*Bundesministerium für Familie, Senioren und Jugend*) (2004) commissioned for the first time, a nation-wide survey with the title '*Well-Being, Safety and Health of Women in Germany*'. One particular goal of this study was to identify the specific forms of violence that women in migrant communities experienced. Again, the issue of 'honour killing' did not come to the fore. The final report of this study provided an extensive analysis of violence against immigrant women but neither 'honour killing' nor any similar phenomenon was mentioned in it.<sup>3</sup> On the contrary, the issue of forced marriage (*Zwangsverheiratung*) received significant attention as a culturally specific form of violence experienced particularly among migrant women of Turkish origin.<sup>4</sup> While the results of this study marked the beginning of a visible policy debate in Germany on forced marriage, 'honour killing' continued to be a non-issue.

In the meantime, there were several cases of murder which came to be labelled only later as cases of 'honour killing'. The legal reaction to these murders at the time was ambiguous. Although 'honour killing' and 'cultural defence' had not existed as separate categories in the German Criminal Code (*Strafgesetzbuch*), the question of whether killing someone to restore a family's honour qualified as manslaughter or murder had been at the core of the few such cases.<sup>5</sup> German courts had occasionally taken 'cultural defence' into consideration and convicted offenders of manslaughter which carries a much lower sentence, normally less than 10 years rather than of murder which carries 25 years imprisonment (Bundestagsfraktion Bündnis 90/Die Grünen, 2005).<sup>6</sup> German authorities had been rather silent about or hesitant to interfere in intracultural affairs, especially if they related to 'family matters' as issues regarding the status of women were generally labelled (Maier, 2009:233).

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<sup>3</sup> Part VII of this report provides an extensive analysis of violence against immigrant women, particularly those from Eastern Europe and Turkey who constitute the largest group of immigrants in Germany. It concludes that immigrant women are on average more often subject to domestic violence than German women.

<sup>4</sup> For the survey results and the debate on forced marriage, see particularly Chapter 7 of this report.

<sup>5</sup> For the most recent and detailed analysis of judicial responses to 'honour killing' cases between 1996 and 2005, see Oberwittler and Kasselt (2011).

<sup>6</sup> For a detailed analysis of cases in which courts accepted cultural reasons as a mitigating factor, see Maier (2009).

In 2004, 'honour killing' suddenly became a major issue in Germany. It was reported that between October 2004 and June 2005 alone, eight women were killed for allegedly bringing 'dishonour' to their families (Böhmecke, 2005:18).<sup>7</sup> This dramatically intensified the debates on 'honour killing' in this country. 'Honour killing' was now debated on TV<sup>8</sup>, on various talk shows, in the printed media, and in both federal and local parliaments. It was, however, not the increasing number of such incidents that underscored the public and parliamentary debates on 'honour killing'; rather an already loaded, particular socio-political context made 'honour killing' increasingly visible to the public, media and politicians.

Three main factors shaped this socio-political environment and paved the way for the rise of the 'honour killing' debates in Germany. The first and conceivably the most important factor that triggered public debates on 'honour killing' was the murder on 2 November 2004 of Dutch film-maker Theo van Gogh, by a Dutch citizen of Moroccan descent who was a follower of radical Islam. Van Gogh was an outspoken critic of the treatment of women in Islam. In his controversial film *Submission*, he criticised violence against women in Muslim societies. Although van Gogh was murdered in the Netherlands, his murder was seen as emblematic of the failure of multiculturalism and the incompatibility of Islamic beliefs with liberal democratic values in all migrant-receiving countries. His murder had a significant 'ripple effect' on the public discourse across all European countries including Germany (Yildiz, 2009:477). In Germany, the media and politicians interpreted van Gogh's murder as the end of multiculturalism, although multiculturalism had never existed there as an official policy. Multiculturalism had rather been used as 'a negative concept' to depict the malfunction that results from 'the co-habitation of minority and majority societies' (Rostock and Berghahn, 2008:350).

The second factor that triggered the 'honour killing' debates in Germany was the publication of a special issue in *Der Spiegel*, one of the mainstream magazines in Germany, with the title 'Allah's daughters without rights' (*Allahs rechtlose Töchter*) (*Der Spiegel*, 14.11.2004). Published shortly after the brutal murder of van Gogh in Amsterdam, this issue first focused on the social unrest following van Gogh's death in

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<sup>7</sup> Up until recently, there were no definite numbers for cases of 'honour killing' in Germany as the police do not keep track of the motivations behind murder. A new study commissioned by the Federal Criminal Office (*Bundeskriminalamt*) investigated murders between 1996 and 2005 and revealed that (similar to Britain) during this time 12 women and girls were killed annually in the name of honour (Oberwittler and Kasselt, 2011:167).

<sup>8</sup> See, for example, Christiansen (2006) and Monheim (2005)



the Netherlands, and then on the fates of 'Muslim women' in Germany. The articles in this issue framed the murder of van Gogh as the beginning of a new era, best described as consistent with Samuel Huntington's well-known 'clash of civilizations' theory.<sup>9</sup> One contributor noted that van Gogh's murder marked the end of a 'consensus-society', where consensus implied 'the consensus on values' holding the society together (*Der Spiegel*, 14.11.2004:89). In this context, 'honour killing' was taken as a clear example of the deep value differences between majority and minority cultures. The sense of threat to the liberal 'West' that seemed to have emanated from van Gogh's murder was linked to 'honour killing' whose targets were Muslim women. In this and other contexts, Muslim women were described without any agency, as living 'under the patriarchal yoke', 'locked up in their apartments' and 'helpless' against a traditional forms of violence (*Der Spiegel*, 14.11.2004:60). After the publication of this *Spiegel* issue, 'honour killing' and the situation of women in Islamic and traditional cultures became the primary focus of public and policy debates (Böhmecke, 2005).

This portrait of Muslim women as oppressed or murdered in the name of culture or religion was utilized as evidence that Islam in general and Muslims in particular were still not part of German society. Gender equality was viewed as something that needed to be achieved only in ethnic communities and not within the mainstream society. Cultural and religious minorities are represented as 'oriental' and 'patriarchal'; simply as 'untouched by the Enlightenment and liberal emancipation' (Ramm, 2010:194). This representation of the 'other' not only led to the demonization of women in immigrant cultures, but also served to preserve the fiction of German national homogeneity (Rostock and Berghahn, 2008:351).

The third factor that intensified the debates on 'honour killing' was the passage of the new Immigration Act (*Zuwanderungsgesetz*) in 2004.<sup>10</sup> With this act, Germany recognized itself for the first time as a country of immigration (*Einwanderungsland*). This contributed to Germany's move, however slowly, 'in the direction of more formal acceptance of greater cultural pluralism and political inclusiveness' (Donovan, 2007:476). Yet at the same time, the new immigration act had a perverse effect and intensified debates on identity and belonging (Miera, 2007). As Per Mouritsen (2008:2)

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<sup>9</sup> Huntington's (1993) 'clash of civilizations' thesis relies on an essentialist understanding of cultural identity and suggests that immigration from civilizations that are hostile to the West, such as Islam, imports the international clash into the domestic realm.

<sup>10</sup> The new Immigration Act came into effect at the beginning of 2005 and provided limited access to highly skilled immigrants on a permanent basis and temporary immigration permits for entrepreneurs willing to make substantial investments in Germany.

observes, lowering the citizenship threshold in Germany in particular ‘has necessitated defining which values and competences characterise a truly democratic citizen, and screening out intruders who do not possess them’. It (re)generated the questions about ‘Germanness’ and emphasised the need for migrants to accept German culture as the leading culture (*Leitkultur*), if they were to stay in Germany.<sup>11</sup>

The perverse effect of the new Immigration Act was also evident in the emergence of a counter narrative about ‘parallel societies’ (*Parallelgesellschaften*) which gained strength around the same time. The term ‘parallel societies’ had been employed mainly by the sceptics of multiculturalism to depict the threatening scenario of ‘non-integrated’ immigrants retreating to ‘parallel worlds’ and rejecting Western values.<sup>12</sup> These worlds are inhabited by immigrant communities, most of whom arrived from Turkey as ‘guest workers’ (*Gastarbeiter*) in 1960s and live in the working class ghettos of Berlin, Hamburg and other big cities (Halm and Sauer, 2006). These ‘parallel societies’ have been typically characterised by a strong patriarchal organisation and a high level of familial and social control over women (Maier, 2009:233). The gender-specific forms of violence in these societies, such as forced marriage or ‘honour killing’, have been perceived as an urgent call for restrictive integration regimes (Rostock and Berghahn, 2008).

## **5.2. The murder of Hatun Sürücü: ‘A fatal threat to German values’**

The factors described above indicate that the public debates on ‘honour killing’ emerged in an already charged political field in Germany. This field was marked by polarised discourses of identity, the existence of ‘parallel societies’ and scepticism towards Islam’s place in a liberal society. In this socio-political environment, the murder of a young Turkish/Kurdish woman, Hatun Sürücü in Berlin on 7 February 2005 was quickly termed as an ‘honour killing’ and became an unshakable symbol of cultural conflicts in Germany. Hatun’s murder created a state of ‘moral panic’ and reinforced the

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<sup>11</sup> The term ‘*Leitkultur*’ was coined first by Bassam Tibi in the context of European integration. In the context of Germany, it was used first by Theo Sommer (1998), editor of the weekly *Die Zeit*. Since then, ‘*Leitkultur*’ has been frequently used within the German debates on multiculturalism and integration to denote the superiority of German culture over other cultures. For a detailed analysis of the ‘*Leitkultur*’ debate in Germany, see Pautz (2005).

<sup>12</sup> The term ‘parallel society’ was introduced to Germany by the social scientist Wilhelm Heitmeyer (1996) to denote segregated immigrant communities. Heitmeyer drew attention to the role of the urban youth of Turkish-Islamic descent in forming fundamentalist counter-worlds on the edges of German society. As Schmitz (2010:269f) notes, in doing so, Heitmeyer ‘provided a model argument for the ongoing alarmist polemic against so-called hate preachers, potential terrorist “sleepers”, honour killers, and the like’.

existing prejudices towards 'backward' migrants living in the 'parallel societies'. In line with this, one daily newspaper noted that after Hatun's murder, 'the Muslim, Turkish and Kurdish family' began to appear to the German public like 'a criminal association' (*Die Welt*, 18.04.2006).

Hatun was shot in the head three times by her youngest brother Ayhan 'in the middle of Berlin' while on the way to a bus stop. She had divorced the cousin she was forced to marry at 16 and was reportedly dating a German man when she was murdered at the age of 23. The court records clearly stated that 18 year old Ayhan wanted to kill Hatun in order to maintain the family honour. It was claimed that Ayhan, as the youngest family member, was selected to commit this crime with the expectation that he would receive a lighter punishment. He was sentenced to 9 years' juvenile custody for the murder, close to the 10 years maximum allowable. The prosecution was unable to prove that the older brothers, Alpaslan and Mutlu, shared responsibility for the crime.

After Hatun's murder, several other cases that had occurred previously were also labelled as 'honour killings'. The term 'honour killing' offered a powerful vocabulary for journalists and politicians to use in capturing what had been 'wrong' with immigration and multiculturalism in Germany. Highlighting the previous incidents, newspapers claimed that Hatun's murder was the sixth 'honour killing' in Berlin in a year. Among them, Hatun's murder was particularly influential in shaping the meaning of 'honour killing' and urging politicians to find solutions to long standing issues of migrant integration. It intensified the integration debates in Germany (*Migration und Bevölkerung*, 2005).

During these debates, Hatun's murder was used as a symbol of the cultural conflicts between mainstream society and immigrant communities, most of whom had arrived from Turkey. The alleged tension between the murdered woman's ethnic heritage and her life in Germany set the stage for cultural conflict. Hatun's murder was seen as an inevitable consequence of 'parallel societies' and poor immigration policies (*Die Welt*, 22.02.2005). Even some years after this murder, media and politicians continued to refer back to this tragic event and describe it as a 'constant warning', 'a fatal threat to the liberal constitution and German value system' (Henkel, 2007; Henkel, 2009). The shots to Hatun's head, one author has noted, should be taken as the manifestation of 'culture wars', as in reality they were meant for German society [and the liberal values this society holds] (Kelek, 2005:11).

The media played a crucial role in establishing the meaning of Hatun's murder as a threat to German society. It predominantly reported the views of illiberal counterpublics (composed of Turkish/Kurdish communities) who publicly supported the practice of 'honour killing'. For example, one newspaper reported that three young Turkish students of the *Thomas Morus Oberschule*, not far from the scene of murder, had said that Hatun only had herself to blame, (not her brother), as 'the whore lived like a German' (*Süddeutsche Zeitung*, 25.02.2005; *Die Zeit*, 09.03.2005). The students' open praise of the murder made the crime against Hatun the talk of Berlin and soon of all Germany (*The New York Times*, 04.12.2005). In a similar vein, one daily newspaper noted that Hatun's brother was hailed as a local hero for having successfully killed his sister (*BBC News*, 14.03.2005). These and similar comments sparked outrage and left many asking if it was just a one-off or whether such thinking was in fact quite common among sections of the Muslim community in Berlin. The media reporting was very influential in shaping both public and parliamentary debates on 'honour killing'. It was often used as evidence to show the depth of cultural conflict in Germany and to justify the need for urgent action (DB, *Plenarprotokoll 16/08*, 15.12. 2005:548).

After Hatun's murder, the coalition government of Conservatives (CDU/CSU) and Social Democrats (*Sozialdemokratische Partei Deutschlands/ SPD*), in power since November 2005, declared they would make integration a top priority. This was heralded as a new era, characterised by a 'paradigm shift' within the German politics of cultural diversity. The government emphasised the need for a shift in the definition of existing problems; a shift from the problem of foreigners (*Ausländerproblem*) to the problem of integration (*Integrationsproblem*) (Bundesregierung, 2007; Kurthen, 2006). The new framing made the state a central agency in resolving integration-related issues and cultural conflicts in Germany. Issues on migration and integration, it was decided, would no longer be handed over to lower administration officials but should involve the chancellor, the leaders of the large parties, the interior minister and state governors.

In assuming this central role, government agencies in Germany chose to follow, for the first time in history, a dialogical path. Prior to this, German politics of cultural diversity had been predominantly top-down, focusing mainly on the control and return of migrants. The 'foreigners policy' (*Ausländerpolitik*) had always been seen as a 'patronizing, controlling and administrating' relationship between the authorities and migrants (Schönwälder, 2001). The German political system had been characterised by a lack of institutionalised channels for providing migrants access to and influence in the

political process (Bardy, 2003:98). When culturally contested issues were at stake, government agencies had been reluctant to listen to minorities. Although invited to network meetings, they had minimal participation (Kvinnoforum, 2005:159). In opposition to this reluctant and top-down form of managing cultural diversity, in 2005 the coalition government emphasised the need for a dialogical approach in resolving integration problems and began initiating a series of dialogues with cultural and religious minorities.

The issue of 'honour killing' was on the agenda of these dialogues. Emphasizing 'honour killing' as a fatal consequence of failed integration, the Chancellor Angela Merkel noted that 'dialogue between cultures' offered the only viable solution to problems of integration (Plenarprotokoll 16/4, 2005). This meant in practice, in Merkel's words, a 'dialogue between Islam and Christianity'. Here and in other contexts, 'culture' and 'religion' began to be used interchangeably and implied, in concrete terms, the need for 'dialogue with Islam' (Plenarprotokoll 16/4, 2005). This solution brought religion, particularly Islam, into the spotlight as the root cause of cultural conflicts. While in the past migrants in Germany were predominantly categorized in terms of their national origin or culture, their religious orientations now became the defining feature (Ramm, 2010; Yildiz, 2009).<sup>13</sup> Religion emerged as a major social signifier and was given a prominent role for understanding and resolving the problems related to migrant integration.<sup>14</sup>

The shift of emphasis from ethnic to religious identity led to the creation of new discursive spaces and determined the scope of planned state-dialogues with minorities. In 2006, the Federal Government initiated the first formal dialogues with migrants: the Integration Summit (*Integrationsgipfel*) and the Islam Conference (*Deutsche Islam Konferenz*). Both initiatives were characterised as significant milestones within the existing politics of integration in Germany (Müller-Hofstede and Reisslandt, 2007). Although some politicians and newspaper articles kept mentioning that 'honour killing'

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<sup>13</sup> In order to demonstrate the shift from ethnic to religious identity, Yildiz (2009) presents a critical analysis of two high profile articles in the newsweekly *Der Spiegel*, from 1990 and 2004. She concludes that although these articles use different labels, they tell the same story and illustrate the shift from 'Turkish' to 'Muslim' in an exemplary fashion. She shows how both articles reproduce the same narratives about gender relations in ethnic or religious communities under different labels.

<sup>14</sup> According to Spielhaus (2006) one important reason behind the exaggerated focus on Islam in Germany is the change of the German Citizenship Law in 2000. This law changed citizenship from the principle of *ius sanguinis*, that is from a biological definition of citizenship, to one that includes facets of *ius solis*, the territorial principle that considers the place of birth in granting citizenship. As a result, ethnicity lost its major signifier status, and religious identity took over the differentiating function.

has nothing to do with Islam, the Islam Conference was conceived as a suitable venue for a dialogue on 'honour killing'. Around the same time, the issue of 'honour killing' also entered German parliamentary debates on both federal (*Bundestag*) and state (*Länder*) levels. Parliamentarians were convinced that the issue of 'honour killing' was too crucial to be left to the daily newspapers; it needed to be debated thoroughly in the parliament (Sibylle Laurischk, FDP, DB, *Drucksache 16/54*, 28.09.2006).

### 5.3. Parliamentary debates on 'honour killings'

The Federal Republic of Germany rests on an institutional political system that is characterised by corporatism and cooperative federalism. It is composed of sixteen federal states (*Länder*), each with their own state parliaments and each following state policies in many areas including education, policing, and crime. It is difficult, at least within the scope of this study, to present a complete overview of how 'honour killing' has been debated in each state parliament. In the following, I will therefore focus mainly on the parliamentary debates at the federal level (*Bundestag*) which are consistently well documented.

In Germany, in addition to the news media, the Federal Parliament constituted a central public arena where competing problem definitions of 'honour killing' have emerged. Six political parties have taken clear positions on 'honour killing' during parliamentary debates since the murder of Hatun Sürücü in 2005: the Christian-Democrats (CDU, *Christlich Demokratische Union Deutschlands/Christian Democratic Union*); the Christian-Social Union (CSU, *Christlich-Soziale Union*); the Social-Democrats (SPD, *Sozialdemokratische Partei Deutschlands/Social Democratic Party*); the Free Democratic Party (FDP, *Freie Demokratische Partei*); the Greens (Alliance 90/The Greens/*Bündnis 90/Die Grünen*); and the Left (*Die Linke*). The governing parties in the period under investigation have been the CDU/CSU and SPD between 2005 and 2009; and since 2009 the CDU/CSU and FDP. Currently, the opposition parties are the Left, the Greens and the SPD.

#### *The linkage and meaning-making functions of German political parties*

Before moving on the question of how these parties have framed 'honour killing' in the course of parliamentary debates, it is important to note some of the characteristics of political parties within the German political system. In Germany, political parties assume a significant role in state and federal coalition politics. Emphasizing their

centrality, political scientists usually characterise the Federal Republic of Germany (FRG) as a 'party-state' (von Beyme 1999).<sup>15</sup> The German public sphere is largely dominated by political parties and the organisations closely associated with them (*Politische Stiftungen/parteinahne Stiftungen*).<sup>16</sup> Created mainly in the post-war era, these party organisations are committed to running political education projects and encouraging civic involvement in political life. Unlike civil society organisations, they have close ideological links with the political parties and are financed with public funds (Bartsch, 1998).<sup>17</sup>

From a perspective of deliberative democracy, it is instructive to note the two specific roles of German political parties. The first is that in Germany, political parties serve as the central mechanisms for 'political linkage' between civil society and formal decision-making institutions. They are responsible for transmitting the political will into political action (so called *Transmissionsriemen der Politik*). Although this is a role typically attributed to all political parties, what merits particular attention in the German context is the lack of any other institutionalised mechanisms enabling the transmission of public opinion into decision-making. Insofar as other actors, such as women's or migrant organisations, seek a policy voice in Germany, the primary route is through political parties and party organisations. Even strong civil society movements cannot rely exclusively on 'extraparliamentary politics' (Rucht, 1996:201).<sup>18</sup> Civil society movements must often 'content themselves with letting others speak for them' (Bardy, 2003:97). Some women's groups in Germany have a strong organisational base within parties, while for others, formal organisations including party structures remain highly controversial. These groups usually remain as a 'female crowd' without formal

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<sup>15</sup> There are historical reasons for this. German political parties gained this strong position particularly in the postwar era. As Meyer (2003:402) notes, '[t]his objective was inspired by the failures with the fragile political institutions of the Weimer Republic before the rise of Nazi dictatorship. In that period, the weakness of the political parties, the constant changes in coalitions and governments, their bad reputations with the population, as well as the weakness of democratic institutions had contributed to the destabilization and finally the breakdown of German democracy. As a consequence, the political system and culture of postwar Germany rests to a great degree on a strong party system'.

<sup>16</sup> Currently, six foundations (*Parteinahne Stiftungen*) exist in Germany: The Friedrich Ebert Foundation affiliated to the Social-Democratic Party; the Konrad Adenauer Foundation affiliated to the Christian Democratic Union; the Friedrich Naumann Foundation affiliated to the Liberal Democratic Party; the Hanns Seidel Foundation allied to Bavarian Christian Social Union; the Heinrich Böll Foundation affiliated to the Greens; and finally the Rosa Luxemburg Foundation allied to the Left Party.

<sup>17</sup> The amount of funding each foundation received depends on the number from each political party represented in the *Bundestag*. Although these organisations play a crucial role in raising awareness on issues related to violence against women, the close ideological links they have with political parties constrain them.

<sup>18</sup> Extra parliamentary politics may include but are not limited to the activities such as demonstrations, petitions, placing adverts in newspapers to raise public awareness and thereby influence public opinion and policy making.



organisations (Ferree et al., 2002a:74). The German political system privileges individuals and organisations with close ties to political parties. Only they have the potential to access and influence the decision mechanisms.

The second crucial role of German political parties is that they serve as the main meaning-making institutions. They even have an institutionalised role as 'interpreters of meaning' which is secured by constitutional rules. The German constitution, the Basic Law, explicitly assigns political parties the role of 'helping to shape the public will' (Scarow, 2002:78). Given this mission, German political parties do not hesitate to infiltrate the 'areas that should, by their nature, have nothing to do with parties' (Donsbach 1993: 274, cited in Pfetsch, 2001:50). Political parties take clear positions on many issues, maintain strict party discipline and express unified frames. In fact, the parties are so dominant in shaping the public agenda that some scholars interpret the proliferation of citizen initiatives outside party structures (non-party activism) as a sign of party 'failure' (Lawson, 1988).<sup>19</sup>

German political parties perform the 'meaning-making' function and, mainly through the media, provide political interpretation of the issues. In this sense, as Barbara Pfetsch (2008) notes, news management in Germany is heavily subject to party politics. German political parties use the media to provide political responses to the statements of coalition partners and political opponents and to influence the public debate.<sup>20</sup> In this context, the parallels between the dominant discourses in the media and the parliamentary debates should come as no surprise. The media are used both by ruling and opposition parties as 'vehicles to influence the debate within the government system' (Pfetsch, 2008:81). The close links between media and parliamentary discourses are also evident in the 'honour killing' debates. As I noted before, in the course of 'honour killing' debates, parliamentarians often used media reporting of 'honour killings' as their main point of

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<sup>19</sup> In Germany, particularly in recent years, while single-issue associations continue to be effective in bringing national and local issues to public attention, as Scarow (2002:97) notes, overall 'the citizens' initiatives remain too loosely organized to supersede parties in their roles as interest aggregators or policy-makers'.

<sup>20</sup> Pfetsch notes that in Germany (as opposed to the United States), mass media communication plays a role in mobilizing for already fixed party positions and in legitimizing pre-negotiated compromises. The German Government seeks support from the party and forms a coalition on this level first before mobilizing public support as media attention is conceived as dysfunctional for the political decision-making process itself (Pfetsch, 2001: 50, 64).

reference.<sup>21</sup>

*Framing contestations on 'honour killing' among political parties*

Against this backdrop, I now turn to the question of how political parties in the *Deutscher Bundestag* (DB) debated 'honour killing'. It is important to note that unlike in Britain, in Germany there was no parliamentary session allocated specifically to discuss the issue of 'honour killing'. 'Honour killing' was debated in conjunction with the issue of forced marriage which became a strong policy focus following the release of the Life Situation, Security, and Health of Women in Germany report (2004). As discussed, this report revealed the results of the first nation-wide survey about the situation of women in Germany and brought forced marriage as a culturally specific form of violence into the spotlight.

After the release of this report, 'honour killing' was defined as an incident occurring as a result of, or at least related to, forced marriage. One of the early motions, 'Fighting against Forced Marriage, Protecting the Victims' introduced by Alliance 90/The Greens (*Bündnis 90/Grünen*), for example, defined 'honour killing' as a particular form of violence exercised by family members 'if a person refuses to enter a forced marriage' (DB, *Drucksache 16/61*, 08.11.2005).<sup>22</sup> 'Honour killing' entered the parliamentary debates first in conjunction with the issue of forced marriage in 2004. Since then, 'honour killing' has been emphasised in several other contexts, such as the National Integration Plan (DB, *Plenarprotokoll 16/29*, 30.03.2006), the Islam Conference (DB, *Protocol 16/54*, 28.09.2006) and in relation to the new Citizenship Act (DB, *Drucksache 16/5107*, 25.04.2007). In all these sessions, 'honour killing' has come to the fore in connection with the issue of integration in Germany.<sup>23</sup>

A close analysis of the transcripts of parliamentary debates and motions introduced since 2005 reveals that German political parties have employed three distinctive yet partly overlapping frames of 'honour killing': i) 'Honour killing' as an indicator of failed integration and value conflicts, ii) 'Honour killing' as an indicator of gender inequality in

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<sup>21</sup> See, for example, DB, *Plenarprotokoll 16/08*, 15.12.2005: 7. Referring to media reports about how Muslim students approved Hatun's murder, this parliamentary debate emphasised the need for education in schools to prevent both 'honour killing' and forced marriage.

<sup>22</sup> A similar definition of 'honour killing' was provided in the parliamentary motion introduced by the FDP, *Drucksache 16/1156*, 05.04.2006.

<sup>23</sup> In the recent citizenship act draft, as part of the declaration of loyalty, besides support for 'Islamist terrorism', 'honour killing' is mentioned as a reason to deny citizenship to an applicant (DB, *Drucksache 16/5107*, 25.04.2007).

traditional cultures, and iii) ‘Honour killing’ as violence against women/or against human rights. The first two frames are clear examples of a culture-based frame of ‘honour killing’; they can be easily conflated under this heading. Yet by presenting them separately, I want to draw attention to the ‘frame coalitions’ that occurred between ideologically different parties in relation to the issue of ‘honour killing’.

i) *‘Honour killing’ as an indicator of failed integration and value conflicts*

As I noted before, in Germany ‘honour killing’ was predominantly framed as an indicator of failed integration. Besides the media, ruling party politicians, particularly the members of the CDU and CSU, were very influential in establishing these frames. These parties defined ‘honour killing’ as a cultural and/or religious practice of minorities who live in their own urban enclaves (*Parallelgesellschaften*) and have no contact with Germans. The following excerpt from the parliamentary speech of Hans Peter Uhl (CDU/CSU) illustrates this framing well. He argues:

In many neighbourhoods, we see the emergence of parallel societies, which do not want any contact with Germans, and even worse, which do not need any contact with Germans at all. They live in these communities to a large extent autonomously in their own cultural circles. Shaped by Shari’a Law, we see everything: forced marriages, arranged marriages, domestic slavery, occasionally even honour killings (DB, *Plenarprotokoll* 16/29, 30.03.2006:2441).

The narratives employed by members of conservative parties configured a sequence of events into a unified happening, by identifying larger patterns to which they contribute. In this context, ‘honour killing’ and the presence of ‘parallel societies’ were defined as serious threats to the Basic Law in Germany. The framing of ‘honour killing’ as such polarised the debate by reducing it to one about the clash of German and immigrant values. This has been particularly evident in speeches that employ a distinction between ‘us’ and ‘them’ and define ‘our’ values typically in opposition to ‘theirs’. The way Frank Henkel (CDU) problematised ‘honour killing’ presents a concrete example for these types of speeches. He noted:

Whoever approves and commits ‘honour killing’, whoever distances themselves so much from our constitution, our state and our liberal values, they have to encounter the full force of the law. In our country, we are not allowed to condone parallel societies with their own laws (Henkel, 2007).

Almost all members of the conservative parties represented 'honour killing' as the manifestation of non-negotiable value conflicts. Kristina Köhler (CDU/CSU), for example, stated that these killings rely on a notion of honour that is 'extraneous to the Western world', a notion that will 'never integrate itself' in the liberal democratic society (DB, *Drucksache* 16/54, 28.09.2006:5156).

A distinctive characteristic of this framing was the way it depicted immigrant women. Immigrant women were usually portrayed as passive, 'helpless', and victimized by their culture and traditions. They are described by lack of agency; as living according to the rules dictated by their culture and particularly by Shari'a Law. For example, in her parliamentary speech, Michaela Noll (CDU/CSU) defined the situation of Muslim women as follows:

They [Muslim women] do not have a life of their own. Thousands of young Muslim women live in Germany under the oppression of patriarchy, partly imprisoned in their apartments, helpless against male violence that even extends to honour killings (DB, *Plenarprotokoll* 16/08, 15.12.2005:547).

Muslim women have been described as dependent and limited to the domestic space. Lack of language proficiency in German was often presented as the most important reason for the 'helpless' situation of migrant women. Not knowing German, according to Noll and many other representatives of the CDU/CSU, prevented migrant women from being informed about their rights in a liberal democratic society (DB, *Plenarprotokoll* 16/08, 2005:548). When 'the problem' was defined as such, the solution entailed adopting German values (which were vaguely defined) and learning German language. From this perspective, tackling 'honour killing' required the introduction of strict integration policies implying 'love it or leave it' type solutions. The following press release by Nicolas Zimmer and Andreas Gram (CDU/CSU) illustrates this proposal:

It must be stated very clearly: Whoever wants to live in Germany must respect our constitution, and accept and tolerate the liberal values of our society. Those who cannot do this must go back. We will never tolerate an import of religious fanaticism (Zimmer and Gram, 2006)

The framing of 'honour killing' as a consequence of failed integration led to a discursive homogenization of immigrant communities. The existing research shows that such framing contributed to the (false) representation of these communities as a unitary

homogenous nucleus and furthered the stigmatization of the German Turkish community as a whole (Korteweg and Yurdakul, 2009). It mobilized ‘honour killing’ strategically to position immigrants in Germany as outsiders by ‘creating sharp boundaries of “us” and “them” that immigrants can only cross by adopting the values and practices of majority society’ (Korteweg and Yurdakul, 2010:16).

ii) *‘Honour killing’ as an indicator of gender inequality in traditional cultures*

The second framing dominant during parliamentary debates described ‘honour killing’ as a clear indicator of gender inequality in traditional cultures. This framing was adopted both by conservative and liberal parties, albeit in different ways. Conservative parties (CDU/CSU) which had little or no previous interest in promoting gender equality, employed this frame opportunistically and suggested that an Islamic identity is incompatible with democratic values (Schrötle, 2010). They used the argument of gender equality to reassert national identity and place more restrictive demands upon religious and cultural minorities.<sup>24</sup>

Members of the liberal-oriented FDP defined ‘honour killing’ as a consequence of ‘false’ tolerance towards minority cultures under the ‘guise of multiculturalism’ (DB, *Drucksache 16/1156*, 2006). Similar to the well known objections of liberal feminist scholars—such as Susan Okin who famously argued that multiculturalism is ‘bad’ for women—members of the liberal party expressed their concerns about pressures that are put on girls and women in the name of preserving culture or tradition. Women in migrant cultures are again regarded as victims who are forced to conform to traditional sex roles and arrangements. ‘Honour killing’ was just one, but the most obvious, case of gender inequality in traditional cultures.

The liberal discourse defined gender equality, rather than the adaptation of German values, as a requirement for successful integration. A parliamentary motion introduced by the FDP in 2006 highlights the importance of gender equality for migrant integration in the following way:

The will to integrate, which is to be expected from immigrants, entails learning the German language and the fundamental values of our constitution and legal order, to accept the system of society based on it, and to live it. To these fundamental

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<sup>24</sup> See also DB, *Plenarprotokoll 16/08*, 15. 12.2005:545 for a criticism leveled against CDU by a member of the Green party for employing gender equality opportunistically.

values belongs the equality of man and woman. Gender equality applies unrestrictedly to the female and male migrants and it cannot be set aside by referring to other traditions and religious specifics (DB, *Drucksache 16/1156*, 05.04.2006:3).

In this and other contexts, liberals defined the constitutional commitment to gender equality between men and women in Germany as the highest non-negotiable principle (Sibylle Laurischk, DB, *Drucksache 16/54*, 28.09.2006:5160). From here, developing a gender-based frame of 'honour killing' seemed only a small step. However, by defining gender inequality as something that only occurs in traditional cultures and not in the German culture, members of the FDP reinforced the culture-based framing of 'honour killing'. A gender-based framing would have problematised the existing gender inequalities within mainstream society. Consequently, the members of the liberal party FDP went into a frame coalition with conservative party members and gender equality continued to serve as 'the ultimate marker between a Christian occidental "us" and the (Muslim) "other"' (Rostock and Berghahn, 2008:358).

The problematisation of gender inequality as something that concerns only certain minority cultures and not the majority culture also had important implications for the treatment of gender-related problems in Germany. Most importantly, this framing silenced the broader debate on domestic violence in Germany. As Monika Schröttle (2010:284) puts it, the substantial problems of physical, psychological, and sexual violence against women within the majority of German society was 'regarded as a minor matter, while the issue overall is presented as a migrant problem only'.

### *iii) 'Honour killing' as violence against women/against human rights*

Although not very influential, there have also been counterframes, or what William Gamson (1989) calls 'challenger discourses' in the course of the German parliamentary debates on 'honour killing'. Members of the Greens and the Left have raised dissenting voices against the culture-based frames and argued that 'honour killing' is not a cultural phenomenon, but a gender-based crime against women. They attempted to define these crimes either within the framework of violence against women or as human rights abuses. By characterizing 'honour killing' as violence against women, which cuts across cultural divides, they sought to relieve the alleged tension between 'us' and 'them'. They explicitly criticised conservative parties for instrumentalizing these killings either to justify the arguments for failed integration and multiculturalism in Germany or to treat immigrants as 'outsiders' (DB, *Plenarprotokoll 16/08*, 15.12.2005:545).

A parliamentary motion introduced by the Greens, for example, pointed to the negative implications of culture-based approaches to 'honour killing' for migrants living in the country. It stated that the consequential stigmatization of minorities only leads to further exclusions. Alternatively, it suggested that:

The prevention of forced marriages and violence against female migrants can only succeed in cooperation with immigrant communities. Women's rights, the protection of women from violence and forced marriages have to be debated intensively in a dialogue based on respect and equality. Stigmatization only leads to further exclusions. But the communities, too, have the obligation to make clear that women and men have the same rights and that violence against women and children is a violation of human rights. [...] One sided blaming would only lead to communities cutting themselves off (DB, *Drucksache* 16/61, 08.11.2005: 3,9).<sup>25</sup>

Against the culture-based frames of issues that stigmatize migrants living in Germany, Sevim Dagdelen (The Left) suggested:

What is needed is rather a debate within the whole of society that must not lead to stigmatizing people living here, that is the cultural minorities and especially Muslims (DB, *Plenarprotokoll* 16/08, 15.12.2005: 552).

For those who employed either a gender-based or a human rights-based approach to 'honour killing', the solution entailed having a society-wide debate and collaboration with communities of immigrants/immigrant women. They also emphasised the need for a dialogue with these groups based on 'respect and equality' (DB, *Drucksache* 16/61, 08.11.2005:9). Parties employing gender-based approaches sought to move the issue of 'honour killing' from an integration policy context to one of violence against women. Yet despite their constant attempts, they failed to change the terms of the debate.

Arguably, however, these parties were successful in bringing to the government's agenda the need for dialogue with cultural minorities. In 2006, the coalition government began initiating long-awaited intercultural dialogues with minorities to discuss various pressing issues including 'honour killing'. Nevertheless, despite best intentions the dominance of culture-based approaches to these issues determined the design and outcome of these dialogues. They reinforced rather than counteracted the polarization

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<sup>25</sup> See also DB, *Plenarprotokoll* 16/08, 15.12.2005:545 for a similar gender-based approach to 'honour killing'.



and the stigmatization of migrant cultures. I will come back to the pitfalls of these dialogues later in this chapter. In the next section, I want to explore the factors that helped culture-based frames of 'honour killing' to sustain their dominant status in the course of the parliamentary debates.

#### **5.4. The publics and counterpublics of 'honour killing' debates**

##### *Making sense of the parliamentary debates*

In the analysis above, I offered three distinctive yet partly overlapping framings of 'honour killing' that were employed in the parliamentary debates. It is obviously possible to extend this list by identifying different variations and sub-categories of culture and the gender-based types of framings that emerged during the debates. We can for example, easily multiply the conservative framing, which views 'honour killing' as an indicator of failed integration, by focusing on different understandings of integration employed by political parties. Rather than providing a complete overview of the existing framings of 'honour killing', as many as five different versions of culture-based frames and three different versions of gender-based frames, I choose to focus on three broad, yet exemplary frames. The specific distinctions between existing frames do not constitute the basis of my main argument. Rather, through this analysis I want to show that although not equally influential, several alternative frames of 'honour killing' were present in the context of parliamentary debates. There were explicit attempts to change the terms of the debate by providing counterframes, frames that defined 'honour killing' either as violence against women or as human rights abuses. But why did these frames remain only at the margins?

The literature on framing emphasises that frames are not static, unchangeable entities; certain ways of framing issues gain and lose prominence over time (Benford and Snow, 2000; Gamson and Modigliani, 1989). If this is true, how can we explain the dominance of culture-based frames within the German parliamentary debates since 2005? I offer two explanations; the first is related to the ideological and the second to the institutional context in which the framing contestations over 'honour killing' have occurred in Germany.

In terms of the ideological context, as the scholars of framing theory have long noted, framing is more successful when it resembles pre-existing mindsets (Benford and Snow, 2000). For example, Stephen Hilgartner and Charles Bosk (1988:64) argue that when certain problem definitions fit closely with broad cultural concerns, they do benefit from

this fact in competition. These problem definitions would have what William Gamson (1992:135) calls 'natural advantage' as the ideas and language resonate better and more easily with the broader culture. Resonances 'increase the appeal of a frame by making it appear natural and familiar' (Gamson, 1992:135). Robert Benford and David Snow (2000) make a similar point in discussing the 'narrative fidelity' of a frame. They suggest that frames become dominant when they draw on pre-existing ideological contexts and discourses. Problem definitions that fall outside or at the margins of these concerns are less likely to compete successfully. As mentioned before, in Germany there was already a deep preoccupation with the issues of culture, failed integration and tolerance. In this ideological context, the culture-based frames of 'honour killing' had no difficulty winning the framing contestations.

During the parliamentary debates, culture-based frames of 'honour killing' were fostered and sustained by a number of forces, most obviously the media. As Gamson (1992:6) reminds us, alternative frames that are present in social movement discourse but are invisible in the mass media rarely find their way into political conversations. Empirical studies mapping out the existing discourses of 'honour killing' in the media emphasise that culture-based framings dominate in Germany (Korteweg and Yurdakul, 2009). They find that much of the newspaper reporting describes 'honour killing' 'as a form of violence against women rooted in Islam, ethnicity or national origin portraying religion, ethnicity, and national origin as homogenous, unitary, and/or a-historical forces that by definition lead to gender inequality (Korteweg and Yurdakul, 2009:234). The definition of an 'honour killing' as such has played a significant role in sustaining the dominance of the culture-based frames of 'honour killing' in the course of German parliamentary debates.

The second possible explanation for the dominance of culture-based frames in the context of German parliamentary debates becomes clear when the German case is compared with the British case. The persistence of culture-based frames in Germany can be explained by the lack of 'access points' for civil society to the formal decision-making process, most notably to the parliament. We have seen that in Britain too, culture-based approaches dominated the political agenda for a period of time. Yet there, the 'resistant counterpublics', most notably the women's organisations, have succeeded in shifting the focus from a culture-based to a gender-based understanding of 'honour killing'. This was mainly due to the fact that in Britain there were established channels of communication between state and civil society. Here, the mediatory organisations such as the Women's National Commission served as 'access points' for women's

organisations to influence the policy debates. They helped link the informal dialogue and deliberation taking place in civil society with formal decision-making procedures. As suggested in chapter 3, semi-formal institutions located at the intersection of formal decision making bodies and civil society can play a crucial role in enabling the interaction of various publics. Such institutions gain even more importance in addressing culturally contested issues.

Compared to Britain, in Germany there was no institution that assumed a bridge-building role between women's organisations and the state. Women's organisations that have long been working in the field of honour-related violence, such as *Terre des Femmes* and *Papatya*<sup>26</sup> were cut off from the actual decision-making process. Similar to their counterparts in Britain, these organisations launched various public campaigns in which they drew attention to the gender-related dimension of 'honour killing'. They framed these killings within the broader framework of violence against women and as human rights abuse (*Terre Des Femmes*, 2011). However, unlike in Britain, these organisations failed to change the terms of the parliamentary debates on 'honour killing'. According to Corinna Ter-Nedden, a psychologist at *Papatya* in Berlin, this is mainly due to the fact that in Germany (unlike in Britain), there is a lack of both 'horizontal interaction' among women's organisations, especially those of immigrant organisations working in the area of honour-related violence, and 'vertical integration of such efforts into policy-making at the federal level' (Ter-Nedden 2009, cited in Korteweg and Yurdakul, 2010:15). While there are decentralized networks of women's projects and centres working in the area of honour-related violence, organized decision-making processes for developing common strategies do not seem to exist.

In the case of the German 'honour killing' debate, the lack of interaction between women's organisations and the state stems mainly from the corporatist mode of governance in Germany. As Sabine Lang (1997:108) notes, compared to less corporate political structures, political systems that feature corporatism are 'more resistant to challenges from the political margins'. Corporatist systems are not tailored to deal with

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<sup>26</sup> In Germany, these two organisations have been most active in the field of honour-related violence. *Terre des Femmes* is a human rights organisation fighting for the rights of women. It is based in South Germany but campaigns all over Germany. In campaigns against forced marriage and 'honour killing', it has been working together with *Papatya* which is a women's shelter that has catered to immigrant women since 1986. *Terre des Femmes* and *Papatya* have been working together at official hearings, in developing information material and in offering shelter to girls who seek their help. *Terre des Femmes* has organized various hearings in cooperation with ministries and politicians and held various conferences on honour-related violence. For an overview of the campaigns launched by these organisations, see *Kvinnoforum* (2005:153, 166f).

pluralist lobbying; they are confined to a limited number of institutions. They can only handle unified groups with collective interests. Yet for German women's organisations and feminist groups, forming such unity was neither possible, nor desirable.<sup>27</sup> Also in contrast to Britain, the women's movement actors in Germany were not willing to cooperate with the state and its institutions. Apart from those that work closely with party organisations, German feminists have long been following the strategy of 'movement autonomy' and positioned themselves against the 'father state' and its patriarchal power structures (Ferree, 2012:106-10). They have constantly articulated 'their refusal to be subsumed and co-opted by [corporatist] structures that allowed for neither easy access to, nor the active incorporation of, a feminist agenda (Lang, 1997:109).

*The voice of feminist counterpublics: Absent or weak?*

The corporatist political system and the lack of communication channels between women's organisations and the German state prevented counterpublics from influencing the debates in formal decision-making institutions. Having said that, one wonders whether the issue of 'honour killing' would have been debated differently, perhaps been more gender-focused, if there had been sufficient interaction between the feminist counterpublics and the German state. In the case of Germany, the absence of feminist counterpublics (and their gender-based frames) from public discourse cannot be attributed to corporatist state structures alone. There is no doubt that an institutional setting that ties the counterpublics into the broader political conversation helps to make these publics and their counterframes visible. Yet this alone does not guarantee that counterpublics will have any influence within the broader conversation. Their influence depends largely on the extent to which they are established, vocal and strong. In Britain, feminist counterpublics succeeded in changing the terms of the 'honour killing' debate as they and the counterframes they employed (gender-based or hybrid frames of 'honour killing'—frames that take both culture and gender into account) have been very strong and visible in the public sphere. In contrast, feminist counterpublics in Germany have been relatively weak. Rather than confronting the state and its culture-based approach to 'honour killing' (as in Britain), in Germany most feminists have allied with the state and

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<sup>27</sup> The diversity within the German women's movement has increased particularly in the second half of the 1990s with the reunification of the East and West Germany. As Ferree (1997:47) notes, 'The different understandings of what feminism is and should be that are brought into the women's movement from the East and West make the formation of a common agenda extraordinary difficult'.

reinforced its culture-based approach to 'honour killing'.<sup>28</sup> The influential magazine of Alice Schwarzer, *EMMA*, which is seen by many Germans as 'the voice' of feminism, for example, has constantly singled out 'honour killing' and defined it as a brutal practice that occurs only in Islamic cultures.<sup>29</sup>

In contrast to Britain, in Germany the gender-based or hybrid frames of 'honour killing' were not popular among feminists. These frames were represented rather by a number of immigrant organisations such as the Turkish Union in Berlin-Brandenburg (*Türkische Bund Berlin-Brandenburg, TBB*). In 2005, immediately after the murder of Hatun Sürücü, the TBB, issued a ten point plan (10-Punkte Plan des TBB) calling for 'zero tolerance' towards violence against women (*Türkische Bund in Berlin-Brandenburg, 2005*).<sup>30</sup> In this plan, the TBB openly challenged the culture-based framing of 'honour killing' and noted that this framing serves only to polarize the debate and stigmatize cultural and religious minorities living in Germany. Safer Çınar, the spokesperson of the TBB at that time, tried to overcome the polarization between 'us' and 'them' by introducing the human rights discourse as 'a common ground to which both German and immigrant values should adhere' (Korteweg and Yurdakul, 2010:17). However, this problem definition failed to find any resonance among feminist groups in Germany.

German feminists simply rejected alignment with any kind of antiracist politics which they believed would only lead to the empowerment of Muslims and institutionalization of Shari'a law at women's collective cost (Ferree, 2012:198). There is no doubt that there are internal differences among individual feminists and women's organisations with respect to the framing of 'honour killing'. Yet overall, German feminists helped maintain the dominant status of the culture-based frames of 'honour killing'. The recent analysis by Myra Marx Ferree on German feminism supports this observation. Pointing

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<sup>28</sup> On this point, see Oberwittler and Kasselt (2011:4).

<sup>29</sup> See Louis (2004) and *EMMA* (Summer Issue, 2010) as examples of culture-based framing adopted in the feminist magazine *EMMA*.

<sup>30</sup> The 10 points entailed: (1) Zero tolerance towards violence against women; (2) no tolerance towards repressive attitudes on religious or traditional grounds; (3) ostracism of values that discriminate against women; (4) public and active commitment of all Turkish and Islamic organisations to the self-determination rights of women; (5) promotion of intracultural and intra-religious debates about the gender equality; (6) strict prosecution of forced marriages, promotion of information campaigns within the Turkish and Islamic communities; (7) promotion of intercultural educational facilities and intercultural competence of teachers; (8) establishing a professorship in Islamic theology at a Berlin university, introducing Islamic religion as a subject to the schools in Berlin; (9) enforcement of the obligation to attend school lessons in swimming, sports, biology and sexual education; (10) evidence-based presentation of Islamic values in the German public sphere (*Türkische Bund in Berlin-Brandenburg, 2005*).

out the discourses feminists employ on issues such as headscarves, forced marriages or ‘honour killing’, she concludes that feminism in Germany failed to take ‘a truly inclusive and intersectional direction’ (Ferree, 2012:221). Ferree (2012:216) notes:

Rather than framing Muslim/immigrant women as potentially self-representing agents in their own right, as an intersectional analysis might, these feminists framed them as passive victims of an unchangeable Islamic culture and were willing to ally with the German state to rescue them... German feminists—overwhelmingly non-Muslim themselves—mixed together discussions of so-called forced marriages, veiling, and honour killings as all indicating a dangerously antiwoman culture coming into Europe from outside’.

Given this, it would be wrong to blame the corporatist political system and the lack of access points alone for the dominance of culture-based frames in the course of parliamentary debates. The alliance between feminists and the state clearly weakened the resistant counterpublics and their gender-based frames of ‘honour killing’ in Germany. With this in mind, I now move to explore how the issue of ‘honour killing’ has been debated outside the German Parliament; in the context of state-dialogues with cultural and religious minorities.

### **5.5. State-dialogues with minorities: The German Islam Conference**

As mentioned before, in recent years there has been a remarkable willingness on the part of the German government to address issues related to migrant integration through an open dialogue with migrants. In 2006, the Federal Government initiated the first formal dialogues with migrants living in the country, the Integration Summit and the German Islam Conference (*Deutsche Islam Konferenz*, hereafter DIK). These dialogues aimed to provide a platform for migrant communities to express their needs, debate pressing issues and ultimately ‘counteract polarization and segregation’ in Germany (Deutsche Islam Konferenz, 2010a). Neither the Integration Summit nor the DIK had any decision-making power, but they were given an advisory role to inform the subsequent policy debates on culturally contested issues. They were designed, at least in principle, to assume a linkage role between civil society and formal arenas of political decision-making. In this context, they can be seen as what I have previously defined as lacking in the German ‘honour killing’ debate, namely communication channels transmitting public opinion into decision-making.

As I have already argued in chapter 3, theoretically speaking, such dialogues can counteract the top-down politics of cultural diversity and provide cultural minorities with the opportunity to justify and reflect their own concerns on the issue at hand. They may help reveal the intracultural diversity that exists within each culture, challenge the dominant discourse and consequently contribute to the emergence of alternative discourses on the issue at stake. Yet, a close examination of these dialogues shows that such goals are not easy to achieve in culturally polarised settings. The practice of the DIK, in particular, illustrates the limitations of state-dialogues in addressing issues that are claimed to emanate from deep differences between minority and majority cultures, such as the issue of 'honour killing'.

The DIK was initiated first in 2006 by the German Minister of the Interior at that time, Wolfgang Schäuble and defined as the beginning of a long-term negotiation and communication process between government officials and 'Muslim' invitees. Since 'Muslims are no longer a foreign population group in Germany but have become an integral part of our society', Schäuble argued, it was important to facilitate an 'ongoing dialogue' with Muslims living in Germany (Deutsche Islam Konferenz, 2010b). This dialogue was meant to establish the foundations of a new 'social contract' between the 3.5 million German Muslims (80 percent of whom are of Turkish origin) and the German state (European Stability Initiative, 2006:4). The forum participants were asked to develop concrete recommendations on issues such as Islamic education, the training of imams, the role of women and girls in traditional cultures, the use of the hijab, forced marriage and 'honour killing' (DB, *Drucksache 16/54*, 28.09.2006:5156).

After the first plenary meeting, Schäuble emphasised the difficulty of resolving these issues and said: 'We do not intend this to be simply a harmonious forum concentrating only on achieving consensus'(Deutsche Islam Konferenz, 2010b). Yet it was still important that issues were debated openly and not 'turned into taboos' (DB, *Drucksache 16/7600*, 20.12.2007). In 2009, when the first round of the DIK was completed, there was an agreement that the discussion should continue. The second round was initiated in 2010 during the coalition government between the Christian Democrats and Free Democrats by the new Minister of the Interior, Dr. Thomas de Maizière. Despite best intentions, both rounds of the DIK have failed to deliver what they promised. In fact, they intensified, rather than alleviated the existing conflicts between minority and majority cultures. The most prominent issue that the DIK brought to the fore was the issue of representation within and across cultural groups.



*The problem of representation: Who should represent Muslims in Germany?*

From the beginning, one of the biggest issues that concerned the Muslim population and the Federal Ministry of International Affairs was the selection of Muslim representatives for the DIK. Who was to have the central role for liaising on behalf of all Muslims? The fact that Muslims living in Germany are not a homogenous group—neither in religious nor in cultural terms—posed serious practical challenges for designing an institutionalised dialogue. Wolfgang Schäuble suggested an easy solution for this problem: he selected the Muslim representatives personally. He invited representatives of the largest Muslim and Turkish associations and individual members.<sup>31</sup> The selection of the invitees triggered a series of controversies both among Muslim groups and within government circles. Critics have questioned the makeup of the DIK and asked how far the selected Muslim representatives were connected to the Muslim bases (Bodenstein, 2010).

On the government side, the main issue relating to the problem of representation stemmed from the lack of a central organizing body, an umbrella organisation that could act as an authoritative representative body for Muslims. Islam has been characterised by a failure to forge common fronts among various Muslim associations. In fact, this has been a key reason for denying public corporate status to Islam in Germany.<sup>32</sup> Here, Muslim associations are instead considered ‘private associations without legal standing’ (Fournier, 2005).<sup>33</sup> Unless they adapt to the existing pattern of relations between state and religious communities and have a single representative body, they are not allowed to act as an interlocutor with the state (Donovan, 2007:460).<sup>34</sup> Wolfgang Schäuble noted that if Muslims wanted the same equal treatment as Christian churches, they would have

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<sup>31</sup> The first round of the DIK was composed of thirty representatives: fifteen state representatives (federal level, Länder and communes) and fifteen Muslim representatives. The latter included five of the biggest Muslim organisations and ten individuals who were, in Schäuble’s words, ‘representatives of a modern secular Islam from business, society, science and culture’ (International Crises Group, 2007:27). For short portraits of the participants, see *Spiegel Online* (27.09.2006).

<sup>32</sup> The German constitution under Section 14 of the Basic Law designates the states as having the right to grant religious groups the status of a ‘corporate body under public law’ (*Körperschaft des öffentlichen Rechts*), which carries with it a string of benefits, including access to public funding. Unlike the Christian churches and the Jewish community, no religious community in Germany has this legal status.

<sup>33</sup> In Germany, in order to have legal status of a corporation under public law, a religion has to fulfill a number of requirements which are mainly based on assumptions about Christian churches: ‘it has to be of a “permanent character”, it has to be an established organisation, with clearly defined responsibilities of board members and independently appointed priests’ and it should be autonomous and free of any kind of external control’ (Vertovec and Peach, 1997: 30).

<sup>34</sup> For the implications of corporate body status for a religion, see also Fetzer and Soper (2005).

to meet the required organisational conditions.<sup>35</sup> He hoped that the DIK would provide Muslims with much needed impetus to create representatives that the government could talk to (*Süddeutsche Zeitung*, 26.09.2006). In this sense, one of the explicit goals of the DIK was to enable Islam to meet the organisational requirements of German religious constitutional law (Deutsche Islam Konferenz, 2010b). The required unity among Muslims proved difficult to establish in practice. In 2006, the first Islam Conference brought together Muslims ‘who would otherwise not talk to each other’ (Musharbash, 2006). This was followed in 2007 by the establishment of an umbrella organisation, the Coordinating Council of Muslims in Germany (*Koordinationsrat der Muslime in Deutschland/ KRM*).<sup>36</sup> One newspaper article noted the creation of a ‘single point of contact’ for Muslims, ironically, as Islam finally having a telephone number in Germany (*Die Zeit*, 17.05.2010).

All these efforts of unification created more disunity than unity among Muslims (Amir-Moazami, 2011). The Green Party politician Omid Nouripour, one of the appointees of the DIK, remarked that in fact this was the most valuable contribution of the DIK. He argued that the DIK helped bring the ‘intra-Muslim controversies’ to light in the public sphere and made Muslims and Germans more aware that ‘there is not one Islam; that is as valuable as a contract with the state’ (cited in International Crises Group, 2007:29). The disunity among Muslim organisations and the problems of representation became visible particularly during the first stage of the DIK. Consequently, several organisations boycotted the DIK and refused to attend the second stage of this forum which started in May 2010.<sup>37</sup> The question of who might legitimately represent all Muslims in this dialogue became a prominent one. This also led to the establishment of alternative organisations such as the Liberal Islamic Foundation (*Liberal Islamischer Bund, LIB*) which claimed to represent Muslims who were not given a voice with the DIK, but refused to be part of the institutionalised dialogue process with the German state (*Die Zeit*, 20.07.2010).

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<sup>35</sup> He noted that ‘the government conducts extensive discussions with Christian churches’. This, he asserted, is, ‘not due to historical reasons only, but also because the Christian churches are clearly structured and organized whereas Muslims are not’ (Schäuble 2006, in Deutsche Islam Konferenz 2010b).

<sup>36</sup> The four main Muslim parent organisations that merged to form the KRM are the Islam Council of the Federal Republic of Germany (*Islamrat für die Bundesrepublik Deutschland/IRD*), the Central Council of Muslims in Germany (*Zentralrat der Muslime in Deutschland/ZMD*), the Turkish-Islamic Union for Religious Affairs (*Türkisch-Islamische Anstalt für Religion/DITIB*) and the Association of Islamic Cultural Centers (*Verband Islamischer Kulturzentren/VIKZ*).

<sup>37</sup> At the moment only DITIB and VIKZ are represented in the DIK.

Although the DIK was designed to tackle a wide range of issues, the most important issue was 'Muslims' social and religious conduct in the domain of gender norms and sexuality' (Amir-Moazami 2011). This domain covered issues related to gender oppression in Muslim communities such as headscarves, forced marriage and 'honour killing'. Unlike in Britain where the government had consulted male community leaders on these issues, the German government attached value to listening to 'authentic' voices of female members of migrant communities. The initiators of the DIK invited several representatives of such voices to speak about gender questions from the perspective of 'affected communities'.

This seemed to open up a significant discursive opportunity for minority women who had been otherwise insufficiently represented by official associations. As the scholars of feminist democratic theory have long argued, when culturally contested issues are at stake, it is tremendously important to include women's viewpoints, preferably through their own presence in dialogical processes (Deveaux, 2006; Phillips, 2010; Shachar, 2001). These scholars have shown that the exclusion of women's voices in cultural dialogue leads only to homogenization of intercultural relations from the point of view of a predominantly masculine culture. This rather dangerous tendency, they noted, can be counteracted by providing women in cultural and religious communities with the opportunities and resources to participate in public debates and to integrate their perspectives into policy regulations (Song, 2007:171). The presence of minority women in deliberative bodies helps to reveal the intracultural diversity that exists within each culture.<sup>38</sup> Furthermore, it also helps challenge the dominant view about migrant women being victims of their cultural practices and traditions (Deveaux 2006: 117).<sup>39</sup>

Overall, this body of literature emphasises the need to make deliberation on culturally contested issues more inclusive. However, it pays little attention to the risks that an engagement with women with insider perspectives entails. The question of which

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<sup>38</sup> Similarly, Young (2000) has argued that the inclusion of female members of subordinate groups in reflective, deliberative bodies helps broaden the horizons of understanding among all groups and avoid the potential pitfalls of group ghettoization and essentialism. The hope for Young and many other scholars has been that by participating in dialogical processes, female members of the cultural communities can help challenge the dominant interpretations of cultural norms and practices and provide alternative interpretations.

<sup>39</sup> Deveaux (2006) argues that whenever customs and cultural arrangements subordinate or harm women, there are always signs of resistance which can be revealed through the inclusion of women in public deliberations.

women can best represent female viewpoints in a dialogue on culturally contested practices deserves particular attention. Selecting dissident women as representatives of immigrant women may reinforce rather than counteract cultural stigmatization. So-called 'authentic informants' can easily reproduce rather than challenge the dominant discourse on the incompatibility between an emancipated 'us' and a traditional 'other'. The German state-dialogues with female representatives of cultural communities provide ample example of these risks in the context of 'honour killing' debates.

In Germany, particularly following the murder of Hatun Sürücü, women of Muslim origin with 'insider viewpoints' have gained a special status in debates over the situation of women in minority communities. This is not to say that, these women did not speak out in the past, they did but they were not listened to (Miera, 2007:9). Similar to Ayaan Hirsi Ali in the Netherlands<sup>40</sup>, the Turkish lawyer Seyran Ateş and the German-Turkish sociologist Necla Kelek have been recognized both by the government and the general public as 'authentic informants' and the most reliable sources of information about the situation of women and girls in traditional cultures. Both figures were invited to the DIK as representatives of women's concerns and gender questions.

Both Ateş and Kelek were present in the German public sphere long before they were invited to state-dialogues. Both have written books about oppressive tendencies in traditional Turkish families.<sup>41</sup> Their 'life stories' came to be perceived as more meaningful and authentic than empirical studies which 'smooth out' or 'tone down' the real experiences of women in migrant communities (Harmut Krauss, 02.02.2006, cited in Miera, 2007:17).<sup>42</sup> By telling 'authentic stories' based on their own experiences, they easily appeared as reliable, brave and legitimate sources of information about the root causes of 'culturally harmful practices' such as forced marriage and 'honour killing' (Rommelspacher, 2010). Their viewpoints were given extensive media coverage and were also used during parliamentary debates, particularly by conservative parties, to justify the need for stricter immigration policies (DB, *Drucksache 16/4910*, 23.03.2007). They vocalized the concerns of conservative parties and helped them

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<sup>40</sup> See for a criticism of Ayaan Hirsi Ali's role within the Dutch integration debates, see Snel and Stock (2008).

<sup>41</sup> See, for example, Ateş (2007; 2009); and Kelek (2005; 2006).

<sup>42</sup> In this context, Hook offers illuminating insights for understanding the sources of authority authentic insiders have. She argues that their authority is usually constituted by the absence of the voices whose experiences governments seek to address. In her view, this process can easily become a 'manifestation of the politics of domination'. She notes that it is always important to question the racist politics which determine who is an authority (Hooks, 1989:43-45).

'discover' their support for the emancipation of women, particularly Muslim women (Terkessidis, 2006).

Both Ateş and Kelek have been outspoken critics of Islam (*Islamkritikerinnen*). They came to be known for their criticism of multiculturalism, for its 'false tolerance' towards Muslims and for blaming Islam for practices such as 'honour killing' and forced marriage. For example, Kelek, the author of *The Foreign Bride (Die Fremde Braut)* (2005) argued that in 'Muslim thought', girls are worth less than men because 'they come to the world for men' (*Die Tageszeitung*, 23.09.2005). Kelek has been subject to intense criticism for blaming Islam as the root cause of gender inequality and violence against women in traditional cultures. In 2006, *Die Zeit* published an open letter from 60 migration researchers criticizing the simplistic and clichéd portrayal of Turkish/Muslim culture in the personal testimonies of writers such as Kelek. They criticised Kelek's publications—among them her bestselling book about forced marriages of Turkish women in Germany—as 'unscientific' and 'obviously operating with questionable methods'. These 'analyses', they have argued, only serve to disseminate cheap clichés about 'Islam' and 'the Turkish', enriched with pompous episodes from Kelek's family story (Karakasoğlu and Terkessidis, 2006).<sup>43</sup>

My aim here is not to discuss the reliability of either Kelek's or Ateş's claims about Islam which, as Shelia Jeffreys (2010) notes, most critics of such figures do.<sup>44</sup> Rather, I want to point out the difficulties that arise when government agencies regard and promote such figures as the legitimate representatives of women in traditional cultures in the context of 'honour killing' debates. Two difficulties in particular are worth mentioning from the deliberative democracy perspective taken in this thesis. First of all, by celebrating a small number of 'Islam critics' as legitimate representatives of migrant women, the government continues to operate with an essentialist paradigm of culture. In line with this, it defines the boundaries of dialogue in terms of the 'messenger', rather than the 'message' (Yuval-Davis, 1997b:131). It welcomes and authenticates only some voices and pays no attention to the others. As Yuval-Davis (1997b:59) points out, cultural insiders may easily 'interpolate essentialism through the back door'.

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<sup>43</sup> For a detailed analysis of the public debate that Kelek spawned in Germany, see (Miera, 2007).

<sup>44</sup> When Kelek is criticised for drawing a somewhat one-sided picture of Islam, the debate turns out to be the one on how to interpret Islam more correctly. My criticism against such 'authentic informants' is not related to the content of their arguments which has been an important concern in the existing literature. In other words, I am not concerned about the question of whether the root cause of 'honour killing' lies in Islam. This might be an important question, but it is not relevant to my argument. I am interested in finding out which voices claimed legitimacy in 'honour killing' debates and why.

In this context, the second problem related to the legitimacy given to 'authentic insiders' is that it may easily hinder the emergence of alternative discourses on the issue at stake. This has clearly been the case in the German debate on 'honour killing'. Here, the culture-based frames of 'authentic informants' reinforced the dominant view that the differences between the majority of German society and Muslim communities are in fact fundamentally irreconcilable. They have reproduced the homogenizing discourses of identity by depicting their emancipation as the exception to the rule, rather than as an indication of the heterogeneous nature of the Turkish or Muslim community in Germany. Their arguments are used to endorse the prevailing notions of 'parallel societies' and Islam as the barbaric enemy of women in Muslim communities. Such polarised identity discourses have consequently contributed to deepening already existing integration challenges and social rifts between Muslim migrants and the 'host society'.

#### *The consequences of state-dialogues on 'honour killings'*

Overall, the German experience with state-dialogues illustrates three main issues that require careful consideration if states are to play a constructive role in addressing deep disagreements through intercultural dialogue. The first issue is that as the German case shows, if not designed carefully, state-dialogues can easily lead to the essentialization of cultural/religious identities and exaggerate the differences between minority and majority cultures. Here, the institutional framing of the DIK led to an 'Islamisation' of both identities and issues. It designated 'Muslims' as the primary subject category of state interest and made Islam the major signifier of difference between Germans and foreigners (Ramm, 2010; Spielhaus, 2006; Tezcan, 2006; Yildiz, 2009). A related tendency is seen in the way several social problems were treated in these dialogues. The DIK ethnicised the existing social and political problems in Germany (International Crises Group, 2007:31). As observed by Sara Silvestri (2010:54), the search for 'Islamic answers' in institutional dialogues resulted in the definition of issues that had little or nothing to do with Islam, as problems posed by Islam. This is particularly evident in the case of 'honour killing'. The DIK reinforced the alleged linkages between Islam and these killings. According to Aiman Mazyek, the Secretary of the Central Council of Muslims in Germany and a participant in the DIK, debating 'honour killing' within the DIK contributed to the blaming of Islam for 'honour killing'. It emotionalized this topic

unnecessarily and consequently failed to offer a solution based on a rational debate (Mazyek, 2009).

Secondly, the example of the DIK reveals once again the difficulties of representation both within and across cultural groups. It illustrates how the involvement of government agencies and the institutionalization of cultural dialogues can lead to a forced unification and homogenization of inherently plural positions. In order for this unity to occur, the heterogeneity of perspectives and interests had to be suppressed. The German experience also shows that an excessive focus on organized forms of representation can be detrimental for democracy. It leads to an inaccurate perception that Muslim associations are the only meaningful channels through which Muslims can voice their concerns (Silvestri, 2010).

The third issue that the German state-dialogues bring into sharper focus, particularly in the context of 'honour killing' debates, is the problematic relationship between authenticity and legitimacy. The core idea behind granting authentic informants such as Kelek or Ateş a representative role in policy and public debates is that a representative's identity matters more than the policy ideas. This idea overshadows the question of whether such figures can speak legitimately for the women who have been killed or threatened with death as a result of their cultural/religious codes. In the German 'honour killing' debates, while the viewpoints expressed by selected authentic migrants easily reached the dominant discourse and did not require any further explanation, alternative claims were viewed as 'illegitimate, dangerous and assigned to subaltern discourse' (Miera, 2007:27). As already noted, in the case of 'honour killing', this led to the suppression of alternative viewpoints, particularly those that tend to frame 'honour killing' as a result of gender rather than cultural conflicts.

## **5.6. Conclusion**

My aim in this chapter was to map out the deliberative system that emerged in Germany around the issue of 'honour killings', and to show the interplay between different components of this system. I identified the key actors and sites of the 'honour killing' debates and explored their interaction with each other. I examined how the issue of 'honour killing' emerged, how it was debated in various discursive sites, such as the parliament, the state-dialogues with minorities and within the wider public sphere. From a perspective of deliberative democracy, three main conclusions can be drawn from the



analysis of the 'honour killing' debates in Germany.

First, the German debates on 'honour killing' show that the way deep disagreements are framed and debated depends largely on the ideological and institutional setting in a given country. These two factors steer the content of the public debate and determine which voices get access to the debate. I have shown that the corporatist political system in Germany in particular, determines the form and the scope of the interplay between state and civil society actors, as well as between publics and counterpublics. It limits the venues of participation and affects the way deliberations from within civil society will be transmitted to the formal arena of political decision-making. I have also shown that the German political system privileges political parties rather than civil society organisations as the political linkages and the meaning-making actors. This has had important implications for debating culturally contested issues in Germany. The dominance of political parties, along with the strict party discipline in Germany (which limits the possible interpretations and problem definitions of the issue at stake) hinder alternative discourses of 'honour killing' from influencing the formal decision-making process. Although gender-based frames have been present in the public sphere, they have had limited opportunities to influence the tone and direction of the 'honour killing' debates; they remain at the margins of the institutional sphere. This, I have argued, largely contributed to the culture-based framings of 'honour killing' maintaining their dominant status both within and outside the parliament. The absence of feminist counterpublics in the German 'honour killing' debates has also clearly contributed to this process.

Second, I have shown that if not designed carefully, state-dialogues with minorities also fail to offer alternative venues in which to address deep disagreements between liberal and illiberal cultures. In Germany, these dialogues led to an essentialisation of cultural identities and created a forced unification of inherently plural positions. The excessive focus on corporatist forms of representation resulted in silencing the alternative viewpoints on 'honour killing'.

Third, the German case provided the opportunity to explore the ideas defended by various feminist democratic theorists about the significance of including female members of cultural communities in cultural dialogues. The example of the German 'honour killing' debates shows that bestowing unconditional legitimacy on the 'authentic' claims made by female, dissident insiders in cultural or religious communities, may reinforce the cultural differences and intensify the existing conflicts

rather than resolving them. In Germany, the various claims made by 'authentic informants' were used to endorse the prevailing prejudices towards Islam and traditional communities.

As I noted in this chapter, there are important differences between the British and German debates of 'honour killing'. In the next chapter I will bring these differences into sharper focus and provide an assessment of the 'honour killing' debates in both countries from a deliberative democracy perspective.

## Chapter 6

### Judging the deliberative quality of ‘honour killing’ debates

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In the previous two chapters, I provided a detailed analysis of the ‘honour killing’ debates in Britain and Germany. I identified the major actors in these debates, the frames of ‘honour killing’ they employed, where and how they interacted with each other and what resulted from these interactions. This analysis revealed that while both countries have faced a common set of challenges in addressing ‘honour killings’, they have taken substantially different approaches in their responses. This led to the emergence of two different public debates with different actors playing a key role in each of them.

Although polarization was a common feature of both debates at the beginning, the way the debates developed was very different. Britain saw the transformation of a polarised debate into a pluralised debate and the emergence of new problem definitions of ‘honour killings’. In the case of Britain, we observe an important shift from a culture-based to a gender-based understanding of these killings. In contrast to these developments, in Germany, the issue of ‘honour killings’ has always been framed as a culturally specific type of murder and debated in polarised terms intensifying the antagonism between minority and majority cultures.

There are two important questions that immediately arise from these insights: Which debate can be characterised as more deliberative? What accounts for the differences between the deliberative qualities of these debates? Answering these questions can help us to define the conditions required for a deliberative treatment of deep disagreements in multicultural societies. In this chapter, I answer these questions by combining and comparing the evidence that arose from my analysis of the ‘honour killing’ debates in Britain and Germany.

I assess the deliberative quality of the ‘honour killing’ debates based on the normative criteria I developed in chapter 3. These criteria emphasised the need for: i) an expanded notion of *inclusion* based on the principle of agonistic respect, ii) an institutional setting that enables the *interaction* of various publics, and iii) the question of whether discursive engagement in the informal publics sphere has any *influence* on the formal decision-making circles, most notably on the parliamentary debates.

This chapter is divided into five sections that bring together the differences and similarities of the two case studies. The first section aims to set the scene for a comparison of the two debates from a deliberative perspective. Here, I identify and compare the publics and counterpublics of the ‘honour killing’ debates in Britain and Germany. In the second section, I compare the two debates in terms of their inclusiveness and ask whether and to what extent the inclusion of illiberal publics was based on the principle of agonistic respect. In the third section, I compare the institutional settings in Britain and Germany in terms of their capacity to enable the interaction of multiple publics on the issue of ‘honour killing’. In the fourth section, I assess the deliberative quality of the ‘honour killing’ debates based on the criteria of influence. I ask whether the debates in the informal public sphere were sufficiently reflected in the formal decision-making circles and whether they were able to change the terms of the ‘honour killing’ debates in the parliaments. Finally, I discuss why the same issue led to the emergence of two different deliberative systems and identify lessons that can be drawn from their comparison in terms of the deliberative treatment of deep disagreements in multicultural societies.

### **6.1. Publics and counterpublics of the ‘honour killing’ debates**

In chapter 3, I argued that the deliberative democratic approach can address deep disagreements in multicultural societies if it relies on an expanded notion of inclusion. I established the theoretical foundations of such inclusion by drawing on Nancy Fraser’s notion of ‘subaltern counterpublics’ and William Connolly’s concept of ‘agonistic respect’. In contrast to the existing literature on counterpublics which focuses predominantly on the ‘resistant’ and ‘transformative’ characteristics of these publics, I suggested understanding counterpublics in broader terms as encompassing both liberal and illiberal groups and their respective discourses. In line with this, I have argued that if the deliberative democratic approach is to go beyond the existing strategies of accommodating cultural diversity and resolving cultural conflicts, it should rely on a broad understanding of counterpublics and facilitate the inclusion of illiberal groups and discourses in public debates and deliberations. Having said that, I am aware of the danger that the inclusion of illiberal claims in debates over culturally contested practices may further polarize the identities involved and intensify rather than alleviate the existing conflicts between the members of minority and majority cultures. This of course is not what I want to achieve with this suggestion. Drawing on the theory of agonistic pluralism as advocated by Connolly, I argued that democracies can prevent

degeneration of conflicts into antagonism if they approach illiberal cultures based on the principles of agonistic respect and critical responsiveness. In the next section, I will ask whether and to what extent policy makers in Britain and Germany adopted these principles while debating the issue of 'honour killing'. But for now let me first map out the various types of counterpublics the 'honour killing' debates generated in these countries.

I map out the counterpublics of the 'honour killing' debates by employing the 'alternative vocabulary' Cathrine Squires (2002a) suggests for distinguishing different types of counterpublics. As noted in chapter 3, according to Squires we can distinguish between three types of counterpublics that partly overlap with each other: (i) resistant counterpublics which are usually liberal and progressive, (ii) enclave counterpublics which could be liberal or illiberal in their political orientation, and (iii) satellite counterpublics which seek separation from other publics due to their separate cultural or religious convictions (such as the Amish in the United States). The 'honour killing' debates illustrate the emergence of the first two types of counterpublics in particular; the resistant and enclave counterpublics. As noted before, the main difference between these counterpublics concerns the ways they interact with broader publics. The resistant counterpublics are usually composed of 'outwardly-oriented groups'<sup>1</sup> which dissent actively. They 'travel outside of safe, enclave spaces' and argue against the dominant frames of the issues at stake (Squires, 2002a:460). They make themselves and their agenda visible in the mainstream public sphere by launching persuasive campaigns, protesting or lobbying. As I will elaborate in detail below, the feminist counterpublics of the 'honour killing' debates provide excellent examples for the resistant counterpublics.

In contrast to resistant counterpublics, enclave counterpublics usually stay in their own orbit and cross paths with wider publics only at points of crisis. As I noted previously, enclave publics may be composed of liberal or illiberal groups and discourses (Sunstein, 2009). In other words, the term 'enclave' does not imply anything about their political orientation; it only indicates their internal composition and their lack of engagement with broader publics. The defining feature of enclave publics is that they are usually composed of like-minded individuals featuring 'erratic engagement with wider publics'.

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<sup>1</sup> I borrow the term 'outwardly-oriented groups' from Weldon (2005:197). Weldon makes a distinction between outwardly-oriented and inwardly-focused or self-regarding associations of civil society. The main difference between these two associations is that in contrast to inwardly-focused associations, outwardly-oriented groups aim to influence public discussion of policy issues.

The goal is 'not to eventually integrate itself amongst multiple publics, but to always offer its constituents separate spaces and worldviews' (Squires, 2002a:463). In this sense, both a fundamentalist group defending the practice of 'honour killing' and a group of like minded progressive academics fighting it can be seen as examples of enclave publics. Yet, given my focus on illiberal groups and discourses, I am particularly interested in providing examples of illiberal enclave publics in the context of 'honour killing' debates. These groups are usually denied public voice by dominant groups and forced into enclaves where they seek to 'maintain culture and group memory' to resist oppression (Squires, 2002a:459).

While searching for the examples of the resistant and enclave counterpublics, it is important to keep in mind that these publics do not always have a clearly defined agency in the sense of empirically specifiable groups of actually existing concrete individuals operating in particular institutional sites. It is the discursive arguments of individuals and groups that bring out the countering identity of counterpublics, not their demographic markers (Asen, 2000; Kaufer and Al-Malki, 2009; Warner, 2002). In this sense, we can think of countering discourses as products of a diffuse and collective interpretation process to which various actors may contribute equally. Counterpublics can emerge in any number of contexts; not only outside and in opposition to the state, but also within the state.<sup>2</sup> A careful theorizing of counterpublics should take into account that countering discourses can also emanate from 'bodies, places, and topics that appear demographically mainstream' (Kaufer and Al-Malki, 2009:50). As I discuss below, even the most unexpected actors, for example government agencies, can play a role in the emergence of counterpublics. Keeping this important point in mind, we can now move to the examples of resistant and enclave publics of 'honour killing' debates in Britain and Germany.

Let me start with a brief depiction of the dominant public discourse on 'honour killing' in Britain and Germany. As the previous two chapters showed in detail, there are important similarities between the British and German debates of 'honour killing'. In both countries, 'honour killing' became a topic of public controversy around the same time and in a similar socio-political context, and raised similar types of issues to be addressed by government agencies including courts, legislators, police forces and

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<sup>2</sup> In line with this observation, Felski (1989:171) argues that '[g]iven the complex interpenetrations of state and society in late capitalism, one can no longer postulate the ideal of a public sphere which can function outside existing commercial and state institutions and at the same time claim and influential and representative function as a forum for oppositional activity and debate'

political parties. In both cases, the issue of 'honour killing' mobilized similar types of civil society actors and advocacy groups such as women's and human rights activists; immigrant and Muslim organisations; and the media. The socio-political context that gave rise to the 'honour killing' debates was characterised in both countries by the failure of multiculturalism and the inability of traditional migrant communities to integrate into mainstream society. This went hand in hand, in both Britain and Germany, with the 'Islamisation' of identities and issues in relation to these communities.<sup>3</sup> Particularly in the post 9/11 era, the dominant public discourse in both countries echoed the 'clash of civilizations' thesis offered by Samuel Huntington (1993), and the 'multiculturalism is bad for women' thesis as advocated by Susan Okin (1999). The dominant public discourse defined Islam as hampering integration and drew attention to the gender oppression that is claimed to occur in predominantly Islamic cultures.

It is perhaps less surprising that within this already charged political field in both Britain and Germany, the government agencies defined 'honour killing' as a culturally specific form of murder that occurs only within certain migrant communities. The murder of Heshu Yones in Britain in 2002 and the murder of Hatun Sürücü in Germany in 2005 were debated along very similar lines. In both cases, government agencies, most notably the courts, explained the murder of these young girls to wider publics by employing culture-based narratives and drawing attention to the irreconcilable differences that exist between majority and minority cultures. Given the already existing scripts about gender, culture, immigration and Islam in both countries, these explanations had no difficulty gaining traction and quickly became the dominant public view on 'honour killing'. In both countries, the media played an important role in establishing and sustaining this dominant view through sensational reporting of these murders.

The culture-based frames of 'honour killing' were arguably the most dominant, but not the only problem definitions of 'honour killing'. In both Britain and Germany, the issue of 'honour killing' also led to the emergence of counterpublics employing alternative problem definitions of these issues. These consisted of mainly the resistant and illiberal enclave counterpublics.

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<sup>3</sup> For the most recent account on the similar problematisation of Islam in Britain and Germany, see Linder et al. (2010:xxxvii). For the 'Islamisation' of culture in the British context, see Grillo (2010).



In both Britain and Germany, the dominant framing of 'honour killing' as a culturally specific form of murder led to the emergence of resistant counterpublics and brought their gender-based problem definitions to the fore. The resistant counterpublics were present in both British and German debates, yet there were important differences in terms of their internal composition. Different types of actors contributed to the formation of resistant counterpublics in these democracies.

In Britain, the feminist counterpublics were the most visible examples of the resistant counterpublics of the 'honour killing' debates. They emerged mainly as a result of the discursive efforts of various women's organisations and advocacy groups working in the area of gender-based violence long before government agencies took these issues up. The women's organisations such as the Southall Black Sisters (SBS), the Newham Asian Women's Project, the Iranian and Kurdish Women's Rights Organisation, Karma Nirvana and Imkan engaged in a broad range of activities, from public education to research and advocacy in areas concerning women's rights violations. As noted in chapter 4, despite their internal differences, these organisations aimed to challenge the dominant, culture-based frames of 'honour killing' as employed by government agencies and the mainstream media. In their discursive contestations, they offered alternative problem definitions of 'honour killing' by employing either gender-based or hybrid frames of these issues. In either case, they problematised exclusively culture-based interpretations of 'honour killing' and protested the courts when the courts accepted cultural reasons as mitigating factors and convicted killers of manslaughter and not murder.

In Germany, the major actors who contributed to the formation of resistant counterpublics were substantially different from those in Britain. In Germany, as discussed in chapter 4, the resistant counterpublics were not composed of feminist groups or feminist discourses. Leading feminist figures such as Alice Schwarzer built 'frame alliances' with the state and defined 'honour killing' as a culturally specific form of murder occurring only in Islamic cultures (see for example, Schirmacher, 2006). They justified this viewpoint by pointing to the 'authentic' stories about the gender violence in Islamic cultures told by selected cultural insiders (such as Necla Kelek and Seyran Ateş). These stories served to reinforce rather than challenge the dominant frames of 'honour killing' as employed by government agencies. The efforts to form

resistant counterpublics came mainly from migrant organisations, such as the Turkish Union in Berlin-Brandenburg (*Türkische Bund Berlin-Brandenburg, TBB*); from a group of academics who wrote an open petition to the weekly newspaper *Die Zeit* and scrutinized the reliability of the stories told by authentic informants (Karakaşoğlu and Terkessidis, 2006); and from two political parties: the Left (*Die Linke*) and the Greens (*Bündnis 90/Die Grünen*). All these actors criticised the culture-based frames of ‘honour killing’ for stigmatizing cultural and religious minorities and for failing to capture the complexity of these tragic events.

Returning to the point I made above, besides civil society actors, in both democracies some mainstream institutions have also contributed to the emergence of the resistant counterpublics. In Britain, the Crown Prosecution Service, and in Germany, the aforementioned political parties employed a gender-based definition of ‘honour killing’ and contributed this way to the formation of resistant counterpublics. Arguably, it is not surprising to see that the resistant counterpublics received some institutional support as there was no deep disagreement between these publics and the government agencies. Both sides agreed that it is wrong to kill women for any reason. This provided a ‘common ground’ between the resistant counterpublics and government agencies. What posed a challenge both for government agencies and the resistant counterpublics were the claims put forward by members of illiberal cultural groups asserting the need to kill women if they fail to follow honour codes. It was the presence of these claims that brought to the fore the deep disagreements between majority and minority cultures. Let us now look closely to the arguments of these groups and the role they played in the framing contestations over the meaning of ‘honour killing’ in Britain and Germany.

#### *The illiberal enclave counterpublics*

Besides the resistant counterpublics, in both Britain and Germany the issue of ‘honour killing’ also made the illiberal enclave publics visible. These have consisted of individuals and groups who defended the practice of ‘honour killing’ on cultural grounds. As discussed earlier, different from the resistant counterpublics, the enclave publics came to the surface only at the point of crisis, for example, when a girl was killed in the name of honour. The aftermath of each case of ‘honour killing’ served as a what Paul Chilton (1987) calls a ‘critical discourse moment’.<sup>4</sup> These moments typically

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<sup>4</sup> See also Gamson (1992:26) for the role of ‘critical discourse moments’ in terms of rendering the existing discourses visible to broader publics.

stimulate commentary from a variety of actors and bring the existing discourses on a particular issue to the surface (Gamson, 1992:26). The critical discourse moments after 'honour killing' cases made the voice of illiberal enclave publics visible to the broader publics. In both Britain and Germany, the media played the most important role in terms of rendering the repressive discourses of these publics visible. For example, after the murder of Hatun Sürücü in Germany, the media reported that three school boys had claimed that Hatun had deserved to be killed as 'the whore lived like a German' (*Die Zeit*, 09.03.2005). Similarly, after the murder of Banaz Mahmod in Britain, the media reported that a group of Kurdish men had threatened to kill Banaz's father if he failed to kill his daughter (*The Guardian*, 11.06.2007). In the case of Heshu Yones, the British media reported that dozens of Kurdish people had appeared in front of the court to show solidarity with Heshu's father on the day he was sentenced (*The Times Online*, 17.06.2007).

It is, however, not only the public speeches or actions of these individuals that made the illiberal enclave publics visible. The silence in affected communities, that is, the fact that they did not speak out against 'honour killing' especially during 'critical discourse moments' served as a distinguishing mark of the illiberal enclave publics. The policy makers and the media interpreted their silence as more than that of absence. It was interpreted as the clear manifestation of their support for the practice of 'honour killing'. Silence in affected communities was more of an issue in Britain than Germany. This was perhaps due to the fact that immediately after the murder of Hatun Sürücü in Germany, the TBB issued and circulated a press release condemning 'honour killing' and encouraging other Turkish and Islamic associations to do the same (*Türkische Bund in Berlin-Brandenburg*, 2005). Although in Britain too, there were some organisations such as the Muslim Council of Britain (MCB) which publically condemned 'honour killing', they failed to change the widespread impression about the presence of silence in affected communities. In Britain, both the media and parliamentary debates problematised the communities who had not spoken publically against 'honour killing'. One tabloid noted that silence in affected communities can be interpreted as a sign of 'cultural protectionism' and collective support for those who kill their daughters or sisters (*The Guardian*, 02.09.2003). In this and other similar contexts, silence assumed

the function of 'community formation'.<sup>5</sup> It established a demarcation line between liberal and illiberal cultures and constructed the latter through its reluctance to condemn the murder of young girls by their relatives. Those who spoke out against the practice of 'honour killing' were glorified for their courage of 'ending', 'breaking' or 'fighting' the silence.<sup>6</sup>

In Britain and Germany, the illiberal enclave publics have strengthened (both through their talk or silence) rather than challenged the dominant understanding of 'honour killing' as a culturally specific type of murder. This may raise the question of whether we can still call them counterpublics. What makes the discourses of these publics 'counter' is obviously not the 'transformative' or 'emancipatory' potential they promise as in the case of the resistant feminist counterpublics, but simply their rejection of the liberal norms of mainstream society. This rejection stems mainly from the exclusion of these groups from dominant publics and can thus be seen as an expression of what Ayelet Shachar (2001:35) calls 'reactive culturalism'. According to Shachar, a 'reactive culturalism' usually emerges as a response to 'assimilation pressures' in culturally plural societies and can be expressed in a variety of ways, such as through a rigid reading of a group's textual sources or close control of the behaviour of group members, most notably that of women. As such, in instances of reactive culturalism the images of women often become the symbol of a group's 'authentic' cultural identity (Shachar, 2001:36).

We see all these attributes in the case of 'honour killing', especially in the discourses of those who defend these crimes on cultural grounds. In these discourses, women are represented as moral standard bearers upon whom the family's honour and the group's 'authentic' identity rest. What is perhaps more striking is that this identity is often constructed in a mutually exclusive manner in opposition to the identity of the majority culture. We have seen in Britain, for example, a group of Kurdish men defend 'honour killing' by simply saying 'We're not like the English where you can be boyfriend and girlfriend' (*The Guardian*, 11.06.2007). In Germany, illiberal enclave publics defined their 'authentic identity' in opposition to German identity, blaming the victims of 'honour killing' for acting 'like a German'. In both countries, these discourses served to

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<sup>5</sup> For a variety of functions (such as oppression, resistance or community formation) silence can assume, see Ferguson (2003). For the role of silence in essentialising cultural identities in a postcolonial context, see also Werbner (1997).

<sup>6</sup> The following media reports can be seen as exemplary for the framing of silence in Britain and Germany: Akyol (2010); *The Guardian* (02.09.2003); *The Guardian* (25.10.2009); *Die Zeit* (03.03.2005).

justify the presence of the deep disagreements between liberal and illiberal cultures and pointed out the lack of ‘common ground’ upon which a meaningful dialogue between the two could be established. Yet, as I will show in detail below, the policy makers in Britain and Germany engaged differently with the discourses of illiberal enclave counterpublics.

## **6.2. Approximating the condition of inclusion based on agonistic respect**

In chapter 3, I argued that in order to qualify as inclusive, democracies should ensure that the counterpublics (both liberal and illiberal) are not cut off from the conversations on culturally contested issues. The inclusion of the liberal resistant counterpublics in public and policy debates seems to be less of a problem for democracies. As discussed, it is more likely for liberal counterpublics to find some sort of institutional support in liberal democracies. In fact, as I showed above, the countering discourses of these publics may already be evident in the ‘problem definition’ of mainstream political institutions, for instance in the party programmes of left leaning political parties. The illiberal counterpublics, in contrast, lack such institutional support, at least within liberal democracies. There is usually very limited, if any, overlap between the vocabularies of illiberal counterpublics and ‘strong’ publics in liberal societies. This, however, should not be seen as a reason to exclude illiberal counterpublics from the public and policy debates on issues that affect them directly. In chapter 3, I identified the conditions that would enable meaningful inclusion of illiberal counterpublics in ‘honour killing’ debates and argued that such inclusion should be based on the principle of agonistic respect. I now want to turn the question of whether and to what extent the two ‘honour killings’ debates that I have investigated have ‘approximated’ this ideal.<sup>7</sup>

Let me start with the comparison of two democracies in terms of their capacity to include liberal resistant counterpublics in public and policy debates on ‘honour killing’. As noted before, in Britain, the feminist counterpublics based in various women’s organisations have been the major actors of the ‘honour killing’ debates. Institutional

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<sup>7</sup> Here, I use the term ‘approximation’ intentionally. When searching for the examples of normative conditions in ‘real life’ politics, it is important, as Chambers notes, to be careful with the terminology. She argues: ‘Terms such as implementation, operationalization, and even institutionalization already introduce a misleading tone to the discussion. They suggest a form of rationalism which is inappropriate to discourse ethics. Blueprints are implemented; plans are operationalized; constitutions are institutionalized. Discourse ethics [in contrast] offers no blueprints, plans, or constitutions. Although discourse ethics points to a general principle of democratic will formation, it does not point to a particular way of organizing that formation’ (Chambers, 1996:193). The term ‘approximation’ points out the normative nature of the criteria that are used to assess, criticise and improve the existing conditions.

and discursive opportunity structures in Britain (such as the presence of the Women's National Commission) offered a particularly favourable context for the inclusion of these counterpublics in public and policy debates. This, however, was not always the case. As discussed in chapter 4, the return of the 'women-friendly' Labour to power in 1997 (after 18 years in opposition) opened up new opportunities for the inclusion of feminist counterpublics in public and policy debates on issues that concern women. This, though, did not mean that they gave up their 'countering' function. In Britain, feminist counterpublics have employed a dual strategy, acting as both adversaries and collaborators of the government agencies. Even after gaining routine access to decision-making circles, they continued to confront government agencies on gender related issues. The inclusion of feminist counterpublics in the debates over 'honour killing' made an important difference to the way 'honour killing' was debated in Britain. I will come back to this point later while discussing the criterion of influence.

Whilst in Britain the resistant counterpublics were the major actors of the 'honour killing' debates, in Germany they remained at the margins of the meaning-making and decision-making processes. This stemmed partly from the weakness of these counterpublics (arguably due to the lack of feminist support) and partly from the peculiarities of the German political system. As discussed, the political system in Germany recognizes political parties as the major meaning-making institutions and privileges individuals and organisations with close ties to political parties. The only route for resistant counterpublics to make their voice heard is through political parties. At first glance, this may appear as an opportunity that enables the inclusion of the resistant counterpublics in public and policy debates. However, this inclusion should be considered in the context of strict party discipline in Germany. As I elaborated in chapter 5, political parties maintain strict party discipline and are obliged to express unified frames on public and policy issues. This forces not only the political parties, but also the organisations affiliated with them, to limit their problem definitions over contested issues. This has important implications for the deliberative treatment of contested issues including 'honour killing'. The strict party discipline in Germany serves to impoverish what Cass Sunstein (2002) calls the 'argument pool' of a society and adversely affects the deliberative quality of the debates both within and outside of the parliament.

While the resistant counterpublics and their gender-based frames were largely excluded from the 'honour killing' debates in Germany, the illiberal counterpublics received

unprecedented attention. As discussed in chapter 5, this was mainly due to the fact that the culture-based explanations of 'honour killing', as represented by these publics, resonated more with the existing socio-political context which was characterised by the presence of 'parallel societies' and irreconcilable differences between minority and majority cultures. The German media played a crucial role in bringing the repressive discourses of illiberal counterpublics to the fore. These discourses were also present in the course of the parliamentary debates. Parliamentarians often made direct reference to statements of illiberal counterpublics as represented in the media and used them as evidence to justify the dominant view about the inability of minorities from traditional cultures to integrate in German society. The discourses of illiberal counterpublics were included in parliamentary debates, but their inclusion served only to reinforce the culture-based frames of 'honour killing' and further polarised the 'honour killing' debates. As such, the German 'honour killing' debates featured strong antagonistic elements. The lack of agonistic respect and critical responsiveness toward illiberal counterpublics prevented the transformation of antagonism into agonism. In Germany, the inclusion of illiberal counterpublics in public and policy debates was rather based on the principle of 'hegemonic listening' which only listens to what stabilizes the prevailing circumstances' (Rostock and Berghahn, 2008:354; Varela and Dhawan, 2006:436).

The British parliamentary debates over the issue of 'honour killing' were substantially different to those in Germany. Firstly, parliamentarians did not use media reports on 'honour killings' as a source of evidence; rather they relied on reports produced by women's organisations and gave direct references to the government inquiries conducted on the issue of 'honour killing'. This is not to say that 'honour killing' was debated more 'objectively' in Britain, but British parliamentarians were obviously more informed than those in Germany. Secondly, the British parliamentary debates included the discourses of illiberal counterpublics over 'honour killing' in a different way. The parliamentary debates, particularly those that occurred in the House of Lords, presented the examples of inclusion based on agonistic respect. Parliamentarians placed strong emphasis on the need for understanding the motivations behind 'honour killing' and sought to provide examples of a similar notion of honour at work within mainstream British society. In doing so, they aimed to relieve the tension between 'us' and 'them' and transform the debate from antagonism to into agonism. This led to the emergence of culturally-sensitive frames of 'honour killing' that were not present in the German case.



### 6.3. Approximating the condition of interaction

As discussed in chapter 3, for democracies, approximating the condition of interaction means to provide spaces for the deliberation with each other of multiple publics. Such spaces can fulfil two important functions. First, their presence can ensure that ‘people who spend a lot of time in enclaves are also exposed to competing views’ (Sunstein, 2009:158). This is not to say that enclaves are necessarily bad for deliberative democracy. On the contrary, enclaves can offer protected discursive sites for members of subordinated groups to ‘formulate oppositional interpretations of their identities, interests and needs’ (Fraser, 1997:81). Yet, when people communicate only in enclaves, they may easily encourage one another not to hear anyone else (Mansbridge, 1996:58). In this context, as Jane Mansbridge (1996:58) argues, any suggestions to improve democracy ‘need to show not only how well they foster deliberation in general but also in general how they facilitate or impede enclaves of oppositional discourse’. In this sense, approximating the condition of interaction means to tie closed communities into broader political conversations.

Second, from a deliberative perspective, approximating the condition of interaction means enabling sustained communication between ‘weak publics’ and ‘strong publics’, that is, between the civil society and state. As previously discussed, when seen from a macro-deliberative perspective, deliberation entails both formal-decision making institutions, such as legislators, courts and administrative processes, and a series of informal institutions, such as civic groups, social movements and mass media (Benhabib, 2002:121; Chambers, 2009; Dryzek, 2010a; Mansbridge, 1999). In this sense, approximating the condition of interaction also means to establish mechanisms that help tie informal debates in civil society with formal decision-making mechanisms. This shows the relevance of the tools that inhabit the ‘land of middle democracy’ between civil society and state (Gutmann and Thompson, 1996:12). These are both the tools that reach from informal to formal public spheres (such as direct protest and commissioned reports) and those which reach from formal to informal spheres (such as parliamentary committee hearings and public consultations with the members of affected communities). As I showed in detail in the previous two chapters, the governments in Britain and Germany utilized such tools to better understand the root causes of ‘honour killing’ and to tackle these causes effectively. I offered a detailed analysis of these participatory tools in the respective chapters. Let me now place the strengths and shortcomings of these interactions

in a comparative perspective.

### *State-dialogues with 'affected communities'*

In recent years, in Britain and Germany, state-dialogues with minorities have gained central importance as a tool to resolve the disagreements between minority and majority cultures. In both countries, these dialogues were initiated against a similar socio-political background and featured similar attributes. Particularly in the aftermath of 9/11, minority cultures and the challenges they pose to liberal democracies were defined in religious terms, resulting in an increasing 'Islamisation' of ethnic and cultural identities. This trend also determined the form and scope of the state-dialogues with minorities, calling governments to establish formal mechanisms to relate to Muslim communities. Britain entered into this dialogical phase much earlier than Germany. State-dialogues with Muslim communities were promoted as part of the 'multi-faith' agenda of the New Labour Government (under Tony Blair) which came to power in 1997 and facilitated the establishment of the MCB. Later, particularly after 9/11, to prevent radicalization of Muslims, the Blair Government actively encouraged 'moderate' Muslims to form consultative bodies and to act as the dialogue partners of the government and as 'Muslim allies' in the 'war on terror'. In 2003, when 'honour killing' became a visible policy area in Britain (after the murder of Heshu Yones), the British Government knew exactly who to draw to consultations about these unacceptable 'cultural practices': the spokespersons of the MCB and the community leaders in Muslim communities.

In Germany, the situation was slightly different. The state-dialogues with Muslims were developed in response to integration problems of the mostly Turkish minorities living in 'parallel societies'. These problems became increasingly visible after the murder of Hatun Sürücü in 2005. Although many of the issues Hatun's murder brought to the fore (such as the oppression of girls and women in Muslim communities) have long been present, addressing them became a top government priority, especially after the passage of the new Immigration Act (*Zuwanderungsgesetz*) in 2004. With this act, Germany recognized itself for the first time as an immigration country (*Einwanderungsland*) and decided to resolve once and for all, the long-standing issues pertaining to cultural and religious diversity. In 2006, the Federal Government initiated the first institutionalised dialogues with migrants living in the country, namely the Integration Summit and the German Islam Conference. The issue of 'honour killing' came to the fore mainly within the context of the Islam Conference under the topic of gender oppression in Muslim communities.

With respect to the issue of 'honour killing', governments in Britain and Germany encouraged different types of actors to speak on behalf of the affected communities within the state-dialogues. In Britain, these dialogues were defined in policy terms as 'working with communities' and were carried out mainly with self-appointed, male community and religious leaders. As discussed in chapter 4, this was heavily criticised by feminist counterpublics composed of activist groups and women's organisations which argued that by preferring to engage with more powerful members of minority communities, the government ignored the voice of women and other powerless sections (Southall Black Sisters, 2001:9). They protested government agencies for failing to recognize that self-selected community leaders reflect only a narrow range of predominantly conservative opinion on culturally contested issues.

The German Government followed a different path in choosing its interlocutors. Rather than empowering self-selected community leaders, it restricted, guided and constrained the involvement of Muslim representatives in the state-dialogues. On the issue of 'honour killing', it encouraged women of Muslim origin with an 'insider viewpoint' to act as the representatives of immigrant communities. This brought the claims of selected women with immigrant backgrounds (such as Seyran Ateş and Necla Kelek) to the centre of public attention. As discussed in chapter 5, the 'insider' status of these women was not the only reason for the German Government to recognize them as representatives of immigrant communities. The government could have picked other 'insiders' from migrant communities as its dialogue partners. What made figures such as Ateş and Kelek appealing to the government was the combination of *who* they were and *what* they said about gender oppression in Islamic communities. They offered what the 'hegemonic listening' expected to hear about these issues. Both Ateş and Kelek have been outspoken critics of Islam. They both blame Islam for the suppression of women in immigrant communities and for practices such as 'honour killing' and forced marriage. Their arguments helped reinforce culture-based explanations of 'honour killing' in Germany.

Although the governments in Britain and Germany empowered different actors as their main interlocutors, there are important parallels between the British and German state-dialogues with affected communities. The absence of legitimation, which could only be achieved through democratically elected representation, was a common feature of the state-dialogues. Moreover, while designing these dialogues, governments in both countries, relied on an essentialist notion of culture and adopted the most reductionist approach to cultural identity. As discussed in detail in the respective chapters, this led to a

representation of cultural communities as internally more homogenous than they are and sharpened the boundaries between minority and majority cultures. In sum, state-dialogues with minorities only helped to strengthen the culture-based frames of 'honour killing'.

In both countries, civil society actors criticised the state-dialogues for failing to reflect the full diversity of views on 'honour killing' both within and outside migrant communities.<sup>8</sup> The British Government was more responsive than the German Government in responding to these criticisms. As a result of the pressure coming from feminist counterpublics, the British Government began (especially from 2005) to include other stakeholders, most notably the representatives of women's organisations, in its policy debates on 'honour killing'. This went hand in hand with the British Government's move away from the essentialist notion of culture towards the recognition of intracultural diversity (at least in its policy documents and strategy papers). This move was particularly evident in the way government approached the issue of 'honour killing'. As I showed in chapter 4, recent government documents on 'honour killing', such as the strategy papers prepared by the Association of Chief Police Officer (ACPO) (2008) and the Home Office (2009b), have employed an anti-essentialist understanding of culture. As discussed before, these documents emphasised that culture may be 'perceived' differently by members of the same community and attempted in this way to counteract the cultural stigmatization caused by 'honour killing' cases.

In contrast to Britain, in Germany the government has continued to operate with an essentialist notion of culture, denying differences within a culture and similarities across cultures. As I argued in chapter 5, this went hand in hand with an excessive focus on a corporatist approach to representation which forced Muslims to form a unified group with collective interests. The German Government did not want to hear mixed messages; it wanted to view minorities as homogenous groups who think along the same lines. This had important implications for the way 'honour killing' was debated. By failing to take intracultural diversity seriously in its interactions with affected communities, the German Government contributed to the polarization of the 'honour killing' debate along cultural and religious lines.

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<sup>8</sup> In Germany, this criticism came mainly from various academics and immigrant organisations, and in Britain from the feminist counterpublics.

### *Semi-formal institutions*

The analysis of the British ‘honour killing’ case reveals that semi-formal institutions located between formal and informal spheres offer the most promising venue for the interaction of weak and strong publics. One example of such institutions was the Women’s National Council (WNC) in Britain which was established in 1969 and closed down in 2010 by the current coalition government. The WNC was formally a non-departmental public body financed by the UK Government and set up to provide independent advice to the state in policy matters concerning women. It represented more than 450 partners including women and women’s organisations in England, Northern Ireland, Scotland and Wales (Donaghy, 2007). It played a particularly important role in terms of bringing out the voice of minority women on issues that concern honour-based violence. It initiated a variety of deliberative forums such as the ‘She Who Disputes - Muslim Women Shape the Debate’ which helped to challenge the existing stereotypes about Muslim women ‘as suppressed and unwilling to make their own choices in life’ (She Who Disputes: Muslim Women Shape the Debate, 2006:6). As such, the WNC offered for both minority and majority women an important discursive opportunity structure to influence violence against women policies. As discussed before, the Violence Against Women Working Group of the WNC (formed in 2002) played a major role in discursive contestations over the definitions of violence against women. This working group was recognized as a reliable source of information and was frequently visited by representatives from the Home Office, Department of Health, the Crown Prosecution Service and the Women and Equality Unit (Predelli, 2009:8).

Semi-formal institutions such as the WNC were not present in the German case. As noted before, in Germany there was a lack of interaction among women’s organisations and between women’s organisations and state institutions on the issue of ‘honour killing’. In Germany, the main channel of interaction between state and civil society remained the political parties and party affiliated organisations (*Parteinähe Stiftungen*). This institutional structure, together with the strong emphasis on the linkage function of political parties, hindered the possibilities for direct interaction between women’s organisations and formal decision-making circles. Unless such organisations were tied to political parties, their claims remained unheard.

*Government-sponsored inquires into 'honour killings'*

The third tool which inhabited the area of middle democracy and which was present only in Britain was the government-sponsored enquires related to 'honour killing'. In July 2007, the House of Commons Home Affairs Select Committee launched an inquiry into issues around violence against women which consisted of a series of consultations with key personnel and survivors, visits to women's organisations and refuges, oral evidence from expert witnesses and survivors and an online consultation which ran for six weeks from January 2008. As discussed in chapter 4, this inquiry was influential in changing the terms of the 'honour killing' debate in Britain. The final report of this inquiry characterised 'honour killing' as gender-based violence and called government to tackle these crimes through the prism of gender (House of Commons and Committee, 2008b).

Most recently in 2009, the British Home Office launched another nation-wide inquiry on violence against women and girls including 'honour killing'. Entitled 'Together We Can End Violence against Women and Girls', it was run over three months between March and May 2009. The purpose of this consultation was to 'create a national debate engaging all parts of society in the task of eliminating violence against women and girls'.<sup>9</sup> Based on the results of this consultation, the British Government intended to develop a much awaited comprehensive policy approach to addressing violence against women and girls including 'honour killing'. As noted in chapter 4, up until recently the government's work in this area has been rather arbitrary and entailed conflicting rationales. As a result of the public consultation in 2009, the Home Office developed cross-government strategy by setting out a range of actions for the police, councils and other government departments working across the areas of prevention, provision and protection. This strategy paper defined 'honour killing' under the broader category of violence against women and emphasised the need for government agencies to cooperate with specialist third sector organisations (civil society organisations) operating in the area of violence against women and girls (Home Office, 2009b:48).

In Germany, there were several government inquires into violence against women, but none of them entailed the issue of 'honour killing'. These inquires were conducted by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (*Bundesministerium für Familie, Senioren, Frauen und Jugend*) and focused mainly on the issue of forced marriage (see for example, Bundesministerium für Familie, 2004;

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<sup>9</sup> Around 10,000 people were reported to have engaged with the consultation (Home Office, 2009b).

2009). When seen from a framing perspective, the question of which government agency is given the primary responsibility to inquire into 'honour killing' gains particular importance. While the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth saw forced marriage as an issue that clearly falls under its agenda of gender-based violence, it failed to engage with the issue of 'honour killing' along these lines. 'Honour killing' was seen as an issue that should only concern the government agencies working in the area of immigration and integration, such as the Federal Agency of Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*).<sup>10</sup> In contrast to Britain, there was no attempt by the government to define 'honour killing' within the context of violence against women (VAW) or to consult civil society organisations who had been working on these issues long before they became public concerns. The German Government narrowed its field of inquiry and thus precluded the consideration of alternative problem definitions of 'honour killing'.

#### *Interactions with illiberal enclave counterpublics*

In neither Britain nor Germany was there was any participatory tool to reach out to defenders of 'honour killing', whom I conceptualized as illiberal enclave counterpublics. As noted, the repressive discourses of these publics were represented mainly through the media. When seen from a micro-deliberative perspective, which insists on the need for face-to-face interactions with affected groups, we can conclude that neither Britain nor Germany succeeded in providing the conditions for such interaction.<sup>11</sup> However, when seen from a macro-deliberative perspective, which understands inclusion and interaction on discursive terms, we cannot simply conclude that there was no interaction with illiberal enclave counterpublics. Their discourses were included in the framing contestations over 'honour killing' both within and outside decision-making circles. The discursive interactions with the illiberal enclave publics evolved in substantially different ways in Britain and Germany. Whilst the British debate featured the elements of an *agonistic* interaction which was directed towards understanding the motivations behind the practice of 'honour killing', in Germany the interactions with the illiberal publics occurred along *antagonistic* lines. Drawing on Chantal Mouffe, the main difference between these two forms of interaction is that an agonistic engagement requires perceiving 'the other' not as

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<sup>10</sup> See, for example, the recent press release from this agency, *Bundesamt für Migration und Flüchtlinge* (2011), which frames 'honour killing' in the context of other issues related to immigration and integration in Germany.

<sup>11</sup> See Kelemen (2006) for examples of face-to-face dialogues with the defenders of 'honour killing' in the Swedish context.



an 'enemy' but as an 'adversary', 'somebody whose ideas we combat but whose right to defend those ideas we do not call into question' (Mouffe, 2000b:126). The British parliamentary debates exemplified the possibilities of an agonistic interaction with the repressive discourses of the illiberal enclave publics.

To conclude, when judged against the criterion of interaction, the British Government was more pro-active than the German Government in its endeavours to interact with various publics and bring their concerns to the fore. Also, in Britain, the area of 'middle democracy' was much broader and richer than in Germany. Whereas in Germany the main tool of interaction between formal and informal spheres was the state-dialogues with minorities, in Britain, in addition to such dialogues, we have also seen the examples of parliamentary committee hearings, nation-wide public consultations and the deliberative processes initiated by semi-formal institutions on the issue of 'honour killing'. Despite their several shortcomings, these initiatives have provided a more conducive framework for a deliberative treatment of the 'honour killing' issue in Britain.

#### **6.4. Approximating the condition of influence**

As discussed in chapter 3, the condition of influence flows directly from the condition of interaction and aims to identify the outcome of interactions among multiple publics. In specific terms, it questions whether the interactions with counterpublics have yielded any concrete outcomes within the decision-making circles.

When checked against the condition of influence, there are important differences between the British and German debates. These differences become particularly evident when we consider the role of the respective resistant counterpublics in these debates. Chapter 4 showed how, in Britain, the feminist counterpublics succeeded in transforming the dominant, culture-based problem definitions of 'honour killing'. The discursive interactions among multiple publics resulted in the transformation of exclusively culture-based frames into gender-based or hybrid frames of 'honour killing'. The latter defined 'honour killing' as an issue located at the intersection of the conflicts of gender and culture. The most recent literature on the British 'honour killing' case captures some of these shifts. Rupa Reddy (2010:265), for example, conceptualizes the new approach to 'honour killing' in Britain as a 'mainstreaming plus' approach. This approach endorses the need for mainstreaming 'honour killing' as gender-based violence but also draws attention to culturally specific motivations. Motivations are not understood in essentialist

terms but in terms of *subjective perceptions* of those who defend 'honour killing'. As presented in chapter 4, an analysis of government documents on 'honour killing' over time shows that as a result of discursive engagements with various counterpublics, the British Government began to adopt a predominantly gender-based approach to 'honour killing'. The impact of feminist counterpublics in the British 'honour killing' debate are visible in the way government framed its inquiries into 'honour killing', in the new murder law and in the most recent police strategies (see, chapter 4).

In Germany, the 'honour killing' debates did not result in any concrete outcomes. German politicians debated 'honour killing' extensively but they did not produce a coherent set of policies to address the issue (Korteweg and Yurdakul, 2010:14). 'Honour killing' continued to be framed as a culturally specific form of murder that occurs only in certain cultures. The alternative frames of 'honour killing' as represented by the resistant counterpublics remained at the margins. The German debate shows that besides institutional opportunities to participate in public and policy debates, the 'discursive legacies' in a given society play an important role in determining which voices claim legitimacy. These legacies 'define the questions politics should answer, making some seem common sense and others absurdly radical' (Ferree, 2012:4). The gender-based frames of 'honour killing' were arguably too radical to resonate with the existing socio-political context in Germany and thus remained at the margins of public and policy debates. Also, as Erik Bleich (2003:32) argues, it seems that for frames to have an influence in public and policy debates, a core group of significant actors must already be operating with them prior to policy negotiations. Obviously, this has not been the case with respect to the gender-based frames of 'honour killing' in Germany. The prospects for transformation from culture-based to gender-based frames of 'honour killing' seem to be enhanced 'where there are a range of women's organisations proposing and testing out a variety of approaches and initiatives, and getting sufficient access to policy circles to contribute to debates' (Phillips and Saharso, 2008:299).<sup>12</sup>

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<sup>12</sup> Weldon (2005) arrives at a similar conclusion in her study of democratic policy making on violence against women in fifty U.S states. She argues that the presence of 'feminist civil society' makes democratic policy-making processes more inclusive of women's voices 'by providing a forum for the development of these voices and perspectives and by introducing them into the broader public sphere (Weldon, 2005:196). This in turn promises to improve state responsiveness to women's concerns such as violence against women.

## 6.5. Same issue, different outcomes: Five lessons for deliberative democracy

In the sections above I compared the ‘honour killing’ debates in Britain and Germany from the perspective of deliberative democracy. It is obvious that the actual processes of deliberation and decision-making in the real world do not take place under ideal conditions but are subject to the different types of constraints. Yet still, by taking the criteria of *inclusion*, *interaction* and *influence* as a normative yardstick, it is possible to say something about the deliberative quality of the ‘honour killings’ debates and identify constraints that hinder effective deliberation in culturally plural societies. When checked against these criteria, the British debate seems to have proceeded in more deliberative terms than the German debate. The British debate comes closer to adopting an expanded notion of inclusion based on the principle of agonistic respect. Antagonism, caused by the issue of ‘honour killing’, is thus transformed into agonism. In Germany, debates on the issue of ‘honour killing’ continue along antagonistic lines, drawing attention to the deep differences between minority and majority cultures. As the analysis above showed in detail, the British case differs from the German case also with respect to the inclusion of resistant counterpublics in public and policy debates over ‘honour killing’ and the production of concrete outcomes and policies based on discursive engagements with these publics.

Why did these two democracies differ so radically while debating the very same issue? What do the differences tell us about the nature of deep disagreements and the conditions required for the deliberative treatment of such disagreements in culturally plural societies? A comparison of the British and German ‘honour killing’ debates from the perspective of deliberative democracy provides useful insights in terms of the conditions required for a deliberative treatment of deep disagreements. Let me briefly summarize these insights and relate them to the existing literature on deliberative democracy.

- i) *It is not useful to speak of deep differences in an abstract way without any reference to the specific contexts in which they are politicized. Deep disagreements are neither irreconcilable nor reconcilable; they gain different meanings depending on the socio-political context in a given society. Given this, it may be misleading to start out with the conviction that deep disagreements are principally irreconcilable. Deliberation on deep disagreements may fail not due to the ontological essence of these*

*disagreements, but due to the lack of agonistic respect toward illiberal cultures.*

'Honour killings' are usually defined as the most obvious examples of deep, irreconcilable differences between minority and majority cultures. As such, a deliberative democratic approach is hardly considered as a potential solution to the disagreements that emanate from 'honour killing' cases. Monique Deveaux (2006:8), for example, argues that the deliberative democratic approach has nothing to offer in cases such as 'honour killing' as these cases entail deep value conflicts between minority and majority cultures. A comparative analysis of the 'honour killing' debates challenges this view; it shows that whether a conflict is reconcilable or irreconcilable cannot be determined in isolation from the socio-political context in which it occurs. In this sense, it may be misleading to start from the conviction that 'honour killing' displays 'incommensurable conflict' between minority and majority cultures. This starting point may easily prohibit a deeper understanding of the conflicts at hand and prevent the possibility of discursive engagement across difference. It is important to unpack how cultural conflicts emerge, when they become prominent and what they consist of. As David Adams (2005:75) points out, 'the fact that a persistent disagreement appears to the parties to be deep is no guarantee that it is'. Perhaps a more important point is that even if we take the existence of fundamental disagreements as our point of departure, it is important to remain open to the fact that such disagreements may change over time. An analysis of the British 'honour killing' debate over time shows precisely this point. In Britain, what appears as a deep disagreement between cultural groups changes over time as a result of the discursive engagement of various actors located in both the formal and informal spheres. The chances that such change would occur seem to be higher in democracies where there are explicit efforts to transform antagonism into agonism by employing the principles of agonistic respect and critical responsiveness toward illiberal cultures.

- ii) States can play an important role in the resolution of deep disagreements if they move away from an essentialist notion of culture and recognize the intracultural differences that exist within each culture.*

In the deliberative democracy literature, there is a tendency to leave the resolution of cultural disagreements to discursive engagements in the informal public sphere and civil society (Benhabib, 2002; Dryzek, 2005). The 'non-unitary and dispersed networks of

public' (Benhabib, 1996b:83) located in civil society present the places where deliberative democrats expect citizens to debate and resolve the issues which may have been rejected by state institutions. Deliberative democrats fear that the involvement state institutions in the resolution of culturally contested issues can easily intensify rather than alleviate existing conflicts between minority and majority cultures. One obvious reason for this is that states are not neutral entities; they tend to represent the interests and identities of the majority culture over that of the minority cultures. Furthermore, in the face of cultural conflicts, states tend to view cultural groups as internally homogeneous entities. This can easily lead to an exaggeration of the scale of value conflicts between different cultures and further essentialise the identities at stake. Although I share many of these concerns as raised by deliberative democrats and other democratic theorists, I do believe that some disagreements require active state involvement for their resolution. The disagreements that emanate from the issue of 'honour killing' present a case in point in this respect.<sup>13</sup> It is both important and desirable that states play an active role in tackling 'honour killing' and addressing the disagreements that emanate from them in multicultural societies. In this context, my central conclusion is that deliberation on deep disagreements does not require less state, but rather, a different state. It requires a state which avoids employing an essentialist notion of culture, and acknowledges the intracultural differences that exists within each culture. In practice, this may mean moving away from the model of state-dialogues where a number of selected or self-selected individuals are perceived as legitimate representatives of cultural collectives.

*iii) Alliances between various counterpublics enable the emergence of alternative problem definitions and enrich the 'argument pool' of a society. The way civil society organisations are structured can foster or hinder the alliance-building between multiple counterpublics.*

The differences between the deliberative systems that have coalesced around the issue of 'honour killing' in Britain and Germany can also be explained in terms of differences in the formation of resistant counterpublics and the alliances they established both among themselves and with the strong publics. We have seen that in Britain feminist

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<sup>13</sup> Deep disagreements between indigenous people and majority society in countries such as Australia or Canada present another example that requires active state involvement for their resolution. Smits (2008), for example, argues that when historical injustices are at stake, deliberation cannot only be left to the forums of civil society. In such cases, a minimum requirement for making deliberative politics possible is an official apology on the part of the state towards indigenous people.

counterpublics have been stronger and more visible than those in Germany. This stemmed mainly from the fact that feminists were not part of the counterpublics in German 'honour killing' debates. German feminists defined 'honour killing' as an issue that concerned solely the members of patriarchal cultures, most notably Islamic cultures. Apart from this, in general, German feminists have always been reluctant to engage with ethnic and racial politics. Historically speaking, in Germany feminists has always separated gender-related issues from racial issues and failed to incorporate migrants' own definition of their problems into their discursive strategies (Ferree, 2012:100). Contrary to this, British feminist groups have always been active in the area of race politics.<sup>14</sup> British feminists saw important parallels between sexism and racism and sought to mainstream the problems migrant communities face within their countering discourses. This led to the emergence of new problem definitions and most notably to the emergence of hybrid frames of 'honour killing' which were not present in German debates.

In Britain, women's organisations offered important discursive sites for feminist counterpublics to build alliances and to find a common voice and language while challenging the dominant frames of 'honour killing' employed by government agencies. The organisational structure of women's organisations and the presence of umbrella organisations such as the Women's National Commission provided feminist counterpublics with the incentives to coordinate their strategies within more encompassing frames. In contrast to Germany, women's organisations in Britain are composed of discrete associations arranged 'in an imbricated fashion, with some open to individuals to move between them' (Bagguley, 2002:182). This organisational structure generates, as Paul Bagguley (2002:182) notes, 'an integrity and robustness greater than the sum of their parts' and helps to strengthen the voice and influence of feminist counterpublics within the broader public sphere. As noted previously, in Germany there exists no umbrella organisation that offers incentives to women's organisations to develop unified frames on contested issues. There is only very limited interaction among women's organisations in Germany. In order to make their voices heard, German women's organisations must build alliances with the political parties and comply with existing problem definitions represented by political parties. This hinders,

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<sup>14</sup> I am grateful to Suzy Marsh and Rupa Reddy for drawing my attention to this point about the British women's movement. This point explains why the hybrid frames of 'honour killing' were present in Britain but not in Germany.

arguably, the emergence of alternative problem definitions and results in the impoverishment of the society's 'argument pool'.

- iv) *When judging the deliberative quality of public debates, it is important to take into account the institutional differences between different democracies. Adversarial democracies are commonly deemed unsuitable for deliberation, however, they may be able to translate cultural conflicts into democratic moments if they feature elements of 'new pluralism'. When judging the deliberative potential of adversarial democracies, it is thus important to distinguish between 'old pluralism' and 'new pluralism' and emphasise the capacity of the latter in facilitating democratic engagement across difference.*

The differences between the German and British 'honour killing' debates can be seen as the expression and consequence of differences in the institutional settings of these countries. This is not to say that institutional structures alone determine the prospects for deliberation, but to acknowledge their role in shaping these prospects.

The institutional differences between Britain and Germany can be captured in a variety of ways.<sup>15</sup> The classical literature on comparative politics characterises Britain as an adversarial (majoritarian) democracy and Germany as a consensual democracy (Lijphart, 1999). As noted at the outset of this thesis, the main difference between these two models concerns the question of how political decisions are made. Consensual democracies are usually characterised through the presence of *grand coalitions* between parties and *veto power* granted to opposition parties. Their institutional setting is designed around the idea of generating consensus among conflicting parties and groups. As such, consensual democracies usually feature strong corporatist elements. Corporatism presents a system of interest representation and negotiation in which states bring major interest groups together and encourage them to arrive at collective decisions based on consensus (Molina and Rhodes, 2002). In contrast to consensual democracies and their corporatist political structures, adversarial democracies are defined by the

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<sup>15</sup> For example, unlike Britain, Germany is a federal government made up of sixteen *Länder* (states). Compared to Britain, Germany has also been characterised as a non-liberal society. Ferree (2012), for example, argues that liberal ideas (such as the central role of individual rights and equal economic opportunity) have not played as important a role in Germany as they did in the United States or Britain. She notes that German politics has drawn rather on 'conservative views of patriarchal authority and social democratic ideals of justice to forge a social welfare state that prioritizes family support and the social reproduction of the nation' (Ferree, 2012:5).



superiority of majority rule whereby the opposition has no power to challenge the decisions made by the majority (Dahl, 2000). Adversarial democracies are usually characterised as pluralist political regimes with no or relatively few attempts to regulate conflicts through cooperation and negotiation. The conventional literature defines pluralism as intrinsically linked to the ideals of liberalism (see, for example, Dahl, 2000; Walzer, 1983) and characterises pluralist societies as composed of independent associations and interest groups seeking to maximise their own interests in a political arena characterised by conflict.

Based on these conventional definitions of corporatism and pluralism, deliberative democrats who discuss questions of institutional design have argued that consensual democracies along with corporatist political systems offer a more favourable setting for deliberation than adversarial democracies with pluralist political structures (Mansbridge, 1992; Steiner et al., 2004). It is true that there are important affinities between the aspirations of deliberative democracy and corporatist political systems; both aim to facilitate, at least in principle, the discovery and transformation of group preferences through joint decision-making and problem-solving between affected individuals and groups. Pluralist political structures, in contrast, are characterised by the presence of interest groups competing against one another for scarce resources and are deemed therefore unsuitable for deliberative decision-making and conflict resolution.

A number of scholars have questioned the validity of these claims and convincingly argued that when judging the democratic potential of pluralist regimes, it is important to move away from the classical understanding of pluralism and recognize the emerging forms of pluralism and their promise for democratic politics (Connolly, 2005; Hunold, 2001; Schlosberg, 1999). Connolly (1969) was one of the first democratic theorists who problematised conventional pluralism for relying on a rigid understanding of identity and difference. He distinguished between 'old pluralism' and 'new pluralism' and pointed out the strength of the latter in terms of recognizing the fluidity and multiplicity of group identities and enabling the formation of new groups across difference based on the principle of agonistic respect (Connolly, 1969; 2002; 2005; Schoolman and Campbell, 2008b).

While 'old pluralism' was based on adversarial norms and closed structures of group representation, the new model emphasises the new forms of interaction and cooperation among a larger number of affected groups and actors. In a similar vein, while 'old

pluralism' favours groups in existence, 'new pluralism' directs our attention to those in the process of formation (Schlosberg, 1999:4). The strength of 'new pluralism' stems from its rejection of groups and identities in essentialist terms as unified and closed entities and from its focus on the process of deliberation and decision-making beyond the boundaries of the state. In this context, new social movements are usually taken as key examples of the emergence of 'new pluralism' in practice (Dryzek, 2000:77; Schlosberg, 1999:90). David Schlosberg (1999) shows the democratic potential of 'new pluralism' by focusing on the environmental justice movement in the United States. He argues that what is truly new about new social movements and new pluralism is 'a *dual* concern with a critique of existing institutions of the state and civil society and the creation of new forms and spaces for their political *and* social practices' (Schlosberg, 1999:91 [emphasis in original]). In this context, he emphasises the decentralized, self-coordinated network actions of social movement actors and their interactions among themselves and with government agencies. These interactions eventually result in the emergence of alternative problem definitions that have not been equally heard (Schlosberg, 1999:11).

Similarly, the deliberative success of the 'honour killing' debate in Britain and the transformation of antagonism into agonism can be related to the emergence of 'new pluralism' in Britain. The British women's movement and the alliances it has established with various counterpublics as well as between 'weak' and 'strong' publics have been successful in terms of directing the attention of the government to the gender related dimensions of 'honour killing'. This outcome emphasises the need to distinguish between 'old pluralism' and 'new pluralism' and focus on the prospects for the emergence of the latter when judging the deliberative quality of public debates in adversarial democracies.

- v) *Corporatist political systems may offer a favourable context for the negotiation of conflicting interests, however, when identity issues are at stake they exhibit important shortcomings. Corporatist political arrangements such as the state-dialogues with cultural minorities tend to rely on an essentialist notion of culture which denies intracultural differences and intercultural similarities.*

In the deliberative democracy literature, corporatist and pluralist regimes are compared mainly in terms of their different capacities to facilitate interest intermediation and

deliberative policy making (see, for example, Dryzek et al., 2003; Hendriks, 2011; Hunold, 2001; Mansbridge, 1992). This literature provides mixed messages about the compatibility of corporatism with the principles of deliberative democracy. Mansbridge (1992), for example, argues that by treating interest groups as legitimate participants in policy debates, corporatist systems offer the best settings for deliberative policy making and joint problem-solving.<sup>16</sup> Although subject to empirical investigation, this claim may be true for the negotiation of conflicting interests in corporatist regimes. Yet when it comes to the question of how conflicting identities are to be mediated, corporatist systems have important shortcomings. Most importantly, as Anne Phillips points out, corporatist political arrangements tend to rely on an essentialist notion of culture and the principle of substantial representation. As such they require the presence of 'authentic' group representatives of 'a' culture speaking in one voice (Phillips, 2008:557). States in corporatist regimes usually have to seek out and even 'create' such representatives to start negotiations with cultural minorities. Phillips worries that this may easily empower self-selected community leaders and silence the dissident members of cultural communities (Phillips, 2007:155-180).<sup>17</sup>

As discussed previously, the German Islam Conference offers an excellent example for understanding how identities and identity related issues are mediated in corporatist political systems. In this particular case, the state-dialogues with the selected representatives of 'affected communities' served mainly to reinforce an essentialist understanding of culture and widened the gap between minority and majority cultures. A deliberative approach to culturally contested issues requires adopting a fluid understanding of culture and questioning the corporatist forms of representation inherited from past. It requires adopting the principle of representation that places an emphasis on the 'message' rather than on the 'messenger' (Yuval-Davis, 1997a:96). Institutional settings featuring 'new pluralism' seem to offer more suitable contexts for going beyond essentialist notions of culture and for establishing cross-cultural alliances.

## 6.6. Conclusion

In this chapter I combined the central findings of the case study chapters and offered a comparative analysis of the 'honour killing' debates from the perspective of deliberative

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<sup>16</sup> For counter arguments, see Dryzek et al. (2003:40) and Hunold (2001).

<sup>17</sup> For the pitfalls of corporatist political regimes in the face of cultural diversity, see also Brown (1997), Ferretti and Moulin-Doos (2011). For a review of Phillip's approach to cultural representation and corporatism, see Martineau and Squires (2010).

democracy. To this end, I utilized the normative criteria I developed in chapter 3 by building upon the existing accounts of pluralist deliberative democracy. I have argued that in order to qualify as inclusive, democracies should include both the resistant and illiberal counterpublics in the public debates over illiberal cultural practices. Further, I have claimed that to avoid further polarization and the degeneration of existing conflict into antagonism, it is important that this inclusion occurs on the basis of the principle of agonistic respect. I suggested conceptualizing the defenders of 'honour killing' in terms of illiberal enclave publics and argued that when based on a principle of agonistic respect, the deliberative democratic approach offers the best framework for engaging with these publics and their repressive discourses.

This chapter showed that it is useful to differentiate between different types of counterpublics as each counterpublic poses different kinds of challenges to liberal democracies. While the inclusion of illiberal enclave publics in public and policy debates along agonistic (in contrast to antagonistic) lines seemed to be difficult for both democracies, the German case illustrates that the participation of resistant counterpublics in framing contestations is not without its difficulties. Unlike in Germany where the institutional and ideological context privileged certain types of actors over others, in Britain the opportunities to participate in 'honour killing' debates were distributed more evenly. Here, both resistant and illiberal counterpublics have entered the public and policy debates on 'honour killing'. The presence of the resistant counterpublics in particular made a significant difference to how 'honour killing' has been framed and debated in this country. The British case shows that, while not perfect, by undertaking a more agonistic pluralist strategy, democracies can increase inclusion and interaction, and enhance the prospects for resistant counterpublics to have an influence in the decision-making process.

A comparison of the 'honour killing' debates from a deliberative perspective provides useful insights for understanding how deep disagreements emerge and evolve and how states can address them without stereotyping cultural minorities. Further, a comparison of the same issue in two different countries shows that institutional differences between Britain and Germany matter in the definition of problems, in establishing agendas and in determining the key actors who are responsible for solving these problems. When seen from a macro-deliberative perspective, an institutional setting based on 'new pluralism' offers a more conducive framework for negotiating conflicting identities than those featuring strong corporatist elements.

## Chapter 7

### Conclusions and future directions

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At the outset of this thesis, I stated that I was first seeking to explore how liberal democracies could respond to illiberal cultures and second, drawing out the ways in which a deliberative democratic approach would differ from prevailing responses to those cultures. In this chapter, I will summarise the central arguments of this thesis, highlight the main insights gained from a comparison of the same issue in two democracies, and provide possible directions for future research.

#### 7.1. The central claims and insights of this thesis

The starting point for this thesis was the apparent shortcomings of liberal democracies in accommodating cultural diversity and resolving cultural conflicts. In order to identify these shortcomings, I examined existing approaches to claims and conflicts about culture under three broadly defined categories: liberal, multicultural and deliberative. I focused on the basic components of each approach as represented by their most prominent advocates. I showed that compared to the deliberative democratic approach, liberal and multicultural approaches contain several problematic elements, starting with their conceptualization of culture. I argued that liberal solutions tend to ignore the importance of culture for individuals and groups. Liberals think that relegating everything related to one's culture into the private sphere offers the best solution to the 'problem' of cultural diversity. This view, I argued, overlooks the importance of culture for individuals, groups and ultimately for democratic politics. Multicultural solutions by contrast, tend to exaggerate the importance of culture in identity formation. I argued that the most important problem related to the mainstream multicultural approach lies in its tendency to treat cultural identities in essentialist terms as if these identities were ascribed rather than contested, fixed rather than continuously changing. Furthermore, I problematised the 'narrow notion of recognition' inherent in the multicultural approach which focuses on the 'end-state' of recognition and assigns to the state the final decision-making authority in settling struggles for recognition.

I showed that liberal and multicultural approaches differ from each other in many important ways. However, when it comes to the question of how to deal with illiberal

claims and the deep disagreements they create in culturally plural societies, they rely on a similar set of solutions. When faced with illiberal cultural claims, both liberal and multicultural approaches privilege ‘juridical’ solutions over ‘political’ solutions.<sup>1</sup> Juridical solutions provide no space for cultural minorities to articulate and justify their claims. I argued that if deliberative democracy is to go beyond these two approaches, it should offer remedies to this problem. In proceeding with this argument, I focused mainly on problems related to the multicultural approaches to culture and cultural diversity. My criticism of multiculturalism is not that it has gone too far and led to the emergence of ‘parallel societies’—an argument which has gained momentum in recent years in nearly all migrant receiving countries. I criticise multiculturalism not to deem it a futile approach but to seek out ways it can be revitalized, particularly in the current socio-political context which is characterised by its failure.

When engaging with the problems of multiculturalism, I relied on the insights offered by the deliberative democratic approach. I focused on this approach as it offers the most promising framework for recognizing cultural identities without essentialising them. The deliberative democratic approach that I defend does not start with the premise that asserts the primacy of culture for individuals and groups; neither does it deny that culture could be an important source of identity formation. What it suggests is that whether cultural claims are important—that is, whether they should be accepted or denied in culturally plural societies—cannot be decided in a top-down manner by the governments and policy makers. These decisions should be made through open dialogue and debate where cultural communities have the opportunity to articulate their standpoints.

As such, the deliberative democratic approach offers the most sensible starting point for addressing claims and conflicts about culture, yet at the same time it also brings new challenges (both practical and theoretical) that need to be addressed by its proponents. These concern issues such as who is to participate in public deliberation, on what terms, where such deliberation should take place, and how those cultural reasons that make no sense to members of majority culture should be approached. As I showed in chapter 2, scholars of deliberative democracy answer these questions differently and suggest different kinds of conditions for deliberation in the face of cultural diversity. They also have different expectations about what a public deliberation on culturally contested

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<sup>1</sup> As noted previously, I borrow these terms from Williams (1995).

issues should yield. While some see the real potential of deliberation in its capacity to generate consensus among conflicting groups, others think that it is good enough if deliberation helps conflicting groups get used to one another. In chapter 2, I provided examples of scholars from both ends of the spectrum by focusing on the various streams of deliberative democracy. I argued that compared to the Rawlsian and Habermasian variants of deliberative democracy which limit either the scope or the style of public deliberation, the pluralist deliberative approach provides the most promising starting point for addressing the shortcomings of multiculturalism. For the advocates of a pluralist deliberative approach, reaching a consensus in culturally plural societies is neither possible nor desirable. They focus rather on various other benefits of deliberation in such societies (such as mutual understanding or social learning) and suggest broadening both the scope and style of public deliberation in the face of cultural diversity.

After mapping out the various streams of the deliberative democratic approach in chapter 2, in chapter 3 I moved to examine in concrete detail a pluralist deliberative approach to claims and conflicts about culture. In particular, I focused on the capacity of this approach to respond to illiberal cultures and the deep disagreements they cause in culturally plural societies. In doing so, I investigated the deliberative democratic approaches of two particular scholars, John Dryzek and Monique Deveaux, and sought to identify their shortcomings and combine their strengths. The deliberative accounts of these scholars are particularly appealing for me because neither of them makes the rules of public deliberation subject to a 'liberalism test' as, for example, Seyla Benhabib does. Both Dryzek and Deveaux define the boundaries of acceptable claims in public deliberation in broader terms and argue that no discourse should be ruled out in advance on the grounds that they are 'antithetical to effective deliberation' (Dryzek 2000:168), or at odds with liberal principles (Deveaux 2006:220). However, a close examination of their deliberative approaches, including the various other constraints they suggest for deliberation to occur in the face of identity conflicts, reveals that their approaches are not as inclusive as they first seem to be. Not everybody is welcome to participate in public deliberation. To be included in public deliberation, they ask participants to comply with certain type of rules. Both scholars limit the prospects for participating in public deliberation to those who are capable of distinguishing either between their needs and identities (Dryzek) or between their interests and identities (Deveaux). Both scholars secure the prospects of achieving an agreement (a 'working agreement' in



Dryzek's case and a 'compromise' in Deveaux's case) by excluding dogmatic or recalcitrant viewpoints from public deliberation.

Building upon these two scholars, I argued that if public deliberation is to offer a response to illiberal cultural claims and the deep disagreements they cause in culturally plural societies, it should also include those who represent dogmatic viewpoints and who are not reflective enough to distinguish between their interests/needs and identities. Even if those individuals and groups are excluded from structured forums, they continue to exist in the broader public sphere. When seen from a macro-deliberative perspective, which I adopted in this thesis, we realize that dogmatic and recalcitrant viewpoints are already at the centre of public debates and deliberations concerning illiberal cultures. In fact, in many instances it is the presence of such views which sparks out the deliberation on illiberal cultures. The crucial question for deliberative democrats is not whether to include dogmatic viewpoints in public deliberation, but how to include them in a constructive manner, in a manner that does not result in the degeneration of existing conflicts into an antagonism between members of minority and majority cultures.

Some scholars, such as Anne Phillips, would ignore this proposal and argue that there is no need for liberal democracies to consider how to engage with dogmatic viewpoints as such views are represented only by a small number of individuals within cultural communities. Engaging with them would exaggerate the scale of value conflicts in culturally plural societies. From the deliberative democracy perspective that I have adopted in this thesis, what is important is not the number of individuals representing dogmatic viewpoints but the fact that such viewpoints do exist, sometimes only as free-floating discourses without any identifiable agency behind them. It does not matter much whether they are real or imagined, what matters is that they are already at the centre of public debates over illiberal cultural practices. It is thus important to take these viewpoints and discourses seriously and to develop a democratic response to them.

Drawing on Nancy Fraser, I suggested conceptualizing illiberal cultural groups and their discourses in terms of 'subaltern counterpublics'. This application is advocated by Fraser herself who urges understanding subaltern counterpublics in broader terms; not only in terms of liberal and progressive groupings and discourses (Fraser, 1997:82). Yet as discussed, the existing literature overlooks this point and predominantly utilizes the concept of counterpublics to depict progressive and liberal groupings and

discourses. In doing so, it fails to offer a way of engaging with illiberal and antidemocratic variants of counterpublics.

The case of 'honour killing' provided a useful context to illustrate different types of counterpublics at work when illiberal cultural claims are at stake. I argued that it is important to distinguish between different variants of counterpublics as each poses different kinds of challenges to be addressed by liberal democracies. Adopting the alternative terminology Cathrine Squires (2002a) suggests, I distinguished between the resistant and enclave counterpublics of 'honour killing' debates. I focused mainly on the illiberal variants of enclave counterpublics which become visible and interact with other publics in 'critical discourse moments'; that is when it is claimed a girl or woman is killed on cultural grounds in the name of honour. I showed that it is the presence of illiberal counterpublics (and their obvious support for the practice of 'honour killing') which distinguishes 'honour killings' from other murders and carries them beyond court rooms to a policy issue to be addressed by policy makers and 'affected communities'. Once 'honour killing' becomes a policy issue, as has been the case in Britain and Germany, the deliberative democratic approach offers the best framework for addressing the issue without stereotyping cultural minorities or imposing liberal values upon them.

I argued that the deliberative approach can effectively tackle issues caused by cases such as 'honour killing' if it is informed by the insights suggested by agonistic pluralism. Deliberative democrats are usually sceptical about the mode of political engagement agonists suggest for dealing with deep differences. This scepticism stems mainly from their widespread belief that agonists are interested solely in conflicts and not in resolution of these conflicts. This scepticism may hold for some agonists, for example for Chantal Mouffe, but it does not necessarily apply to others such as to William Connolly. Deliberative democrats criticise agonism usually via engagement with Mouffe (see, for example, Dryzek, 2005; Erman, 2009; Knops, 2007). In fairness to such deliberative democrats, they do so because Mouffe offers the most explicit criticism of deliberative democracy from a perspective of agonistic pluralism. However, in chapter 3, I showed that as with deliberative democracy, agonistic pluralism is not a unified theory adhering to a single project.

By studying the internal variations within these theories, I showed that deliberative democracy and agonistic pluralism are not mutually exclusive alternatives. In particular,

there are important affinities between Connolly's notion of agonistic pluralism and the pluralist deliberative approach. As noted before, Connolly does not take the extreme agonistic position that sees all political struggles forever open and resistant to closure or negotiation. His notion of agonistic respect aims to facilitate democratic contestation with the aim of arriving at negotiations among conflicting identities (Connolly, 2002:xxi). I argued that by incorporating the insights Connolly suggests, particularly in terms of engaging with those perspectives that the mainstream deliberative approach deems irrational or unreasonable, we may be able to sharpen the agonistic edge of the pluralist deliberative approach and make it suitable for contexts characterised by deep disagreement between cultures. I argued that the deliberative approach can help counteract stigmatization of cultural minorities and transform polarization into a pluralisation if it relies on an expanded notion of inclusion based on agonistic respect. This, however, does not mean adopting a culturally relativist approach and endorsing every cultural claim put forward in the course of democratic contestation. Agonistic respect refers to a mode of political engagement that is based on critical responsiveness and comparison; it is rooted in the principle that says 'always listen to the other side' (Tully, 1999:174).

As the 'honour killing' debate in Britain illustrates, a deliberative engagement based on agonistic respect can reveal unexpected affinities between minority and majority cultures and open up a new way of defining the problems at stake. As I previously argued, adopting the principle of agonistic respect in practice does not necessarily mean facilitating face-to-face encounters among adversaries. Agonistic respect can be adopted on a discursive level, for example, in the course of policy or parliamentary debates when addressing the illiberal practices of cultural groups. I have provided the examples of such engagement in the context of British parliamentary debates. The approximation of the principle of agonistic respect and with this, the transformation of a *polarised* debate into a *pluralised* debate, has arguably been the most striking difference between the 'honour killing' debates in Britain and Germany.

I summarized the main insights emanating from a comparative analysis of 'honour killing' debates in the chapter 6. The insights gained strengthen my theoretical argument and justify the need to move away from an *a priori* assumption about the impossibility of deliberation in the face of deep disagreements. A contextual investigation of the issue of 'honour killing' in Britain and Germany reveals that whether a disagreement is deep is not given beforehand; disagreements acquire their particular meaning from the socio-

political context in which they emerge. Similarly, prospects for a deliberative treatment of deep disagreements are not determined beforehand. We cannot compare, for example, two political systems in terms of their capacity to promote or hinder deliberation on deep disagreements without reference to a particular issue that causes or creates such disagreements in the first place.

I showed that achieving a high deliberative quality in public debates over illiberal cultures depends on a variety of factors. The institutional structure in a given country plays an important role by either hindering or fostering deliberation. However, differences in the deliberative quality of public debates cannot be explained solely through differences in institutional structures. The presence of certain institutions alone, say parliaments, does not guarantee that the quality of deliberation will be high. As I discussed before, the deliberative quality also depends on discursive legacies, on the established notions of what makes sense and whose voice is considered reasonable and legitimate in a given society. While in the British ‘honour killing’ debate the main meaning-making bodies were the women’s organisations, in Germany this role was assumed by the political parties. These differences had important implications for the way ‘honour killing’ was debated in these democracies. As discussed before, the strict party discipline in Germany seems to have hindered the emergence of alternative problem definitions on ‘honour killing’. The British case revealed that the prospects for high deliberative quality seem to be significantly enhanced where there are a wide range of civil society organisations developing and testing a variety of approaches, and getting sufficient access to policy circles to influence the debates.

In this context, I also compared the corporatist political structure of Germany with the pluralist structure of Britain and concluded that societies featuring elements of ‘new pluralism’ seem to stand a better chance of ensuring a high deliberative quality of debates on culturally contested issues. After all, deliberation mobilizes groups where there are groups to mobilize. This is not to deny the possibility that deliberation over contested issues can lead to the emergence of new counterpublics and alliances, but the presence of such publics before issues enter the public agenda obviously enhances the deliberative quality of public and policy debates. The British debate benefited from the fact that here there was already a strong and vocal women’s movement engaging with the issue of ‘honour killing’ long before the British Government began to address it. The institutional structure and most notably the presence of semi-formal institutions, such as the Women’s National Commission (WNC), has enabled the actors of the

women's movement to employ a 'dual strategy', acting as both adversaries of, and collaborators with, government agencies. As noted before, this strategy stands at the core of 'new pluralism' and fosters patterns of interaction among counterpublics themselves and between 'weak' and 'strong' publics. We have seen that these interactions eventually resulted in the transformation of culture-based frames to gender-based and hybrid frames of 'honour killing'.

In the case of Germany, I related the poor deliberative quality of the 'honour killing' debates to: i) the dominance of political parties in the public sphere; ii) the excessive focus on corporatist forms of representation in managing cultural and religious diversity; iii) the lack of feminist counterpublics challenging the culture-based problem definitions of 'honour killing'; and iv) the constant recurrence of the same argument about the failure of immigrants to integrate into German society. As James Bohman (2003:101) puts it, the constant recurrence of the same problems in democracies 'indicates a lack of problem-solving capacity in the existing deliberative framework'. Having said that, arguably, from a deliberative perspective, one positive outcome of the German 'honour killing' debate was that it mobilized cultural and religious minorities to form their counterpublics and brought their intracultural and intra-religious differences to the fore. These developments can potentially help break the cycle of stigmatization and counteract existing 'block thinking' when approaching culturally contested issues in Germany. Of course, whether this occurs in the future in Germany remains to be seen.

A comparative analysis of the 'honour killing' debates revealed that the deliberative quality of the British debate was clearly higher than that of the German debate. Having said this, it is important to remain cautious when making generalisations about the deliberative quality of public debates. There is no guarantee that the deliberative quality of the British debate will remain high in the future. In this context, it is important not to understand the deliberative quality of democracies as something static; this quality may vary from topic to topic and across time, even within the same democracy. In the case of Britain, for example, the change of government in 2010 resulted in the closure of many institutions inhabiting the area of 'middle democracy' including the Women's National Commission (WNC). As discussed in previous chapters, the WNC was an important discursive opportunity for British feminist counterpublics to foster alliances and influence formal decision-making circles. Arguably, the closure of the WNC may adversely affect the deliberative quality of future debates on 'honour killing'. It may

also require feminist counterpublics to revise their strategies and their interactions with government agencies. Again, this remains to be seen.

## 7.2. Possible directions for future research

Building on the insights and limitations of this thesis, I have identified five possible directions for future research.

### *i) The representation of 'honour killing' in ethnic media*

One area of research that I have not explored in this thesis concerns the question of how ethnic media in culturally plural societies frame cases of 'honour killing' and whether their problem definitions challenge or confirm the representation of 'honour killing' in the mainstream media. Ethnic media can be produced in the country of origin or the country of settlement, or in both. Due to language differences, the issues raised in the ethnic media usually remain disconnected from the broader public conversation. Yet, ethnic media offers an important discursive site both for resistant and illiberal enclave counterpublics to develop alternative problem definitions. An analysis of how 'honour killing' is reported within ethnic media can help specify the countering discourses of subaltern publics and reveal conflicting meanings attached to culture and cultural practices.

### *ii) The impact of international and global discourses on the national discourses of 'honour killing'*

Another central issue that I have not explored in this thesis is the question of how international and global actors frame 'honour killing' and whether and when such frames find resonance in different national contexts. Violence against women has long been acknowledged as a global issue particularly since the adaptation of United Nations Declaration of the Elimination of All Forms of Discrimination Against Women in 1967, and ultimately the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979 (subsequently entered into force in 1981). Existing research shows that internationally agreed standards, transnational advocacy networks and supra national institutions, such as the European Union, the Council of Europe and the United Nations play an increasingly important role in shaping policies to counter violence against women at national levels (Hawkesworth, 2006). Transnational advocacy networks in particular 'try not only to influence policy outcomes, but to

transform the terms and nature of the debate' on both national and global levels (Keck and Sikkink, 1998:x).

In this thesis, I have limited the analysis of the 'honour killing' debates to national actors and boundaries and have not investigated the role of transnational networks or supranational institutions in shaping the terms of these debates in national contexts. Building upon the insights gained from this thesis, the deliberation of 'honour killing' at a global level and the linkages between national and global discourses can be mapped in future research.

In this respect, of particular relevance is the move in recent years of supranational institutions and transnational advocacy groups to increasingly emphasise the need for mainstreaming 'honour killing' in terms of violence against women and as human rights abuse. A comparison of the two resolutions prepared by the Parliamentary Assembly of the Council of Europe on the issue of 'honour killing' in 2003 and 2009, for example, indicates an important shift from a culture-based to a gender-based frame of 'honour killing' (Council of Europe, 2003; 2009). While the 2003 resolution defines honour killing as 'a flagrant violation of human rights based on archaic, unjust cultures and traditions', the 2009 resolution replaces this definition with a gender-based notion of 'honour killing'. It explicitly states that 'no tradition or culture can invoke any kind of honour to violate women's fundamental rights' (Council of Europe, 2009). This shift echoes the discursive shift that occurred in Britain but was not evident in Germany. By taking such differences into account, future research can investigate the interplay between supranational and national actors and explore why some nation states resist complying with internationally agreed standards on issues regarding the violence against women. Similarly, future research can examine the role of national actors in the emergence of alternative problem definitions at international and global levels.

### *iii) The representation of culture in public deliberation*

I have investigated throughout this thesis the question of how culture is represented in public deliberation. I have repeatedly problematised the essentialist notion of culture inherent in mainstream multicultural approaches and criticised state-dialogues for failing to take into account intracultural differences that exist within each culture. Taken together, these issues point to the shortcomings of existing modes of representation in addressing culturally contested issues. I argued that rather than searching for, and sometimes creating, an 'authentic voice' for cultural communities, liberal democracies



should focus their efforts on bringing out contested definitions of culture in structured forums designed to tackle conflicts and claims of culture. To this end, the concept of 'discursive representation' as advocated by John Dryzek and Simon Niemeyer (2008), offers a promising starting point. This concept offers a way of moving the focus from a 'messenger' to the 'message'. As noted before, 'discursive representation' goes hand in hand with an understanding of deliberation in terms of constellations of discourses in the public sphere. Drawing on the concept of discursive representation, future research can identify contested definitions of culture on a particular issue as employed by members of the same cultural community, and examine whether and to what extent these discourses are represented in state-dialogues with those communities.

iv) *The meaning of silence in public deliberation*

While analysing the 'honour killing' debates in Britain and Germany, I pointed out that in both countries, policy makers and the media problematised the presence of silence in 'affected communities', particularly during 'critical discourse moments' when a girl or woman was killed in the name of honour. In both countries, silence in 'affected communities' was interpreted as a sign of support for 'honour killing' and served mainly as a mark of separation between liberal and illiberal cultures. Silence assumed a boundary drawing and community building function in the case of 'honour killing'. The role of silence is not confined to these functions; silence may assume a variety of other functions in public deliberation which are overlooked by scholars of deliberative democracy.

The vast majority of deliberative democrats define deliberation as a communication process that takes place between speaking subjects. In doing so, they ignore the possible exclusionary functions of speech and relegate silence to outside communication. Scholars outside the deliberative democracy literature have already noted that silence can assume a variety of functions in democratic politics ranging from avoidance to resistance (see, for example, Ferguson, 2003). Future research on deliberative democracy could incorporate these insights into the theory of deliberation and investigate the multiple meanings of silence in public deliberation.

v) *The deliberative quality of public debates in democracies with different institutional settings*

A comparative analysis of the 'honour killing' debates in Britain and Germany revealed that adversarial democracies, which are usually deemed unsuitable to deliberation, may

have important prospects for deliberation across difference, if they rely on an institutional setting featuring ‘new pluralism’. As discussed, in contrast to ‘old pluralism’ which views society composed of interest groups competing for scarce resources and defines politics within the boundaries of state, ‘new pluralism’ directs the attention to the critical political discourse taking place at various levels of civil society and within social movements. I argued that when judging the deliberative quality of public debates in adversarial democracies, it is important to distinguish between ‘old pluralism’ and ‘new pluralism’ and ask whether the existing political system and the debate at hand can be characterised as demonstrating the features of ‘new pluralism’. Building upon this insight, future research can compare how pluralism manifests in different adversarial democracies (for example, in Britain and the United States) and how different variations of pluralism affect the deliberative quality of debates on same issues.

Similarly, future research can identify and conceptualize different variants of corporatism and explore the capacity of each for managing identity differences without essentialising such differences. If corporatist arrangements, such as state-dialogues with minorities take the fluid understanding of culture and identity as their starting point and revise the existing strategies of representation accordingly, they may also offer a suitable context for a deliberative treatment of disagreements between minority and majority cultures.

### **7.3. Conclusion**

In this thesis I sought to extend deliberative theory to make it suitable for the contexts in which it is most needed. To this end, I focused on the most extreme examples of ‘illiberal cultural practices’ and the issues they raise in culturally plural societies. The deliberative framework I have developed in this thesis is certainly not confined to analysing the debates on ‘honour killing’. It can be employed in the context of other conflicts featuring strong antagonism and pluralisation, such as identity conflicts in divided societies. Having shown the capacity of the deliberative approach to address fundamental disagreements, I want to conclude this chapter by emphasising the two key messages of this thesis. First, deliberative democracy is not a ‘counterfactual thought experiment’; deliberation already occurs in all societies and cultures. The challenge for democracies is thus not how to implement deliberation, but how to democratise it and improve its quality. I have taken some steps in this direction by identifying the

conditions under which high quality public deliberation can be achieved. Second, the comparative research undertaken in this thesis shows that it can be misleading to start with the conviction that certain issues and certain political systems are unsuitable for deliberation. Identifying and improving the prospects for deliberation requires a close analysis of the issues as well as the multiple publics and sites of discursive contestation. In other words, it requires rendering the invisible aspects of democracies visible. As this thesis has shown, a comparison of the same issue in two different democracies proves to be an especially effective way to do this.

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