

Institution: University of Cambridge		
Unit of Assessment: 30 – Philosophy		
Title of case study: A feminist approach to choice: cosmetic surgery and marriage law		
Period when the underpinning research was undertaken: 2007 – 31 December 2020 (and ongoing)		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Prof Clare Chambers	Professor of Political Philosophy	2006 – Present
Period when the claimed impact occurred: 2015 – Present		
Is this case study continued from a case study submitted in 2014? N		
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>Prof Chambers' research in feminist philosophy has had significant impact on UK national policy, law, medical practice, and public understanding. Chambers contributed ethical analysis to a major Nuffield Council report on Cosmetic Procedures, which has significantly influenced the Council's lobbying on cosmetic procedure regulation and their engagement with UK government ministers, parliament, and stakeholders. Chambers has also given talks to cosmetic surgeons, leading to many changing their practice to lengthen consultations and explore alternatives to surgery with their patients. This policy and practice impact has been complemented by public engagement on this topic and on the issues raised in her book <i>Against Marriage</i>. One outcome of the latter was Chambers' significant influence on a case made to the Supreme Court in 2018 that successfully legalised different-sex civil partnerships.</p>		
<p>2. Underpinning research (indicative maximum 500 words)</p> <p>The impact featured in this case study has been achieved thanks to applications of Chambers' feminist political philosophy, particularly her work on the problematic status of choice in liberalism. Chambers' research carried out at the University of Cambridge since 2006 on the difficulties of choice addressed a problem for theories of liberalism that afford inviolability to individual autonomy. Autonomous individuals often choose to do things that harm themselves or undermine their own equality. In particular, women often choose to participate in practices of sexual inequality—cosmetic surgery, gendered patterns of work and childcare, makeup, restrictive clothing, or the sexual subordination required by membership in certain religious groups.</p> <p>In her 2008 book <i>Sex, Culture, and Justice: the Limits of Choice</i> [R1] Chambers argued that a theory of justice cannot ignore the influence of culture and the role it plays in shaping choices. On Chambers' analysis, culture shapes choices in at least two ways: by influencing a person's preferences; and by restricting the options that are available. Given that cultures shape choices, Chambers argues that it is problematic to use those choices as the measure of the justice of the culture. Drawing upon feminist critiques of gender inequality and poststructuralist theories of social construction, the book argues that we should accept some of the multicultural claims about the importance of culture in shaping our actions and identities, but that we should reach the opposite normative conclusion to that of multiculturalists and many liberals. Rather than</p>		

using the idea of social construction to justify cultural respect or protection, we should use it to ground a critical stance toward cultural norms.

Since the publication of her book in 2008, Chambers has developed this critical stance on the absolute value of choice with regard to a number of harmful practices, two of which have been of particular concern to policymakers with whom she has worked: cosmetic surgery and UK marriage law. Chambers' work on cosmetic surgery spans a number of articles developing critical insights first proposed in [R1]. In work that builds directly on her earlier book, she has challenged the idea that appeal to choice exonerates a number of suspect cosmetic surgical practices. For example, Chambers has argued that appealing to choice will not excuse Female Genital Cosmetic Surgery, on the grounds that the choice to undergo such surgery both disadvantages those who make it, and is made in response to identifiable pressures to choose the surgery [R6]. "Judging Women" [R2] brings together various aspects of the critique of choice, discussing the various uses and abuses of judgment. In related work, she has also argued that prohibition of infant circumcision and female genital cutting is consistent with liberal neutrality since prohibition recognises the reasonable disagreement around the practice [R4] and the principle of bodily integrity [R5].

In a very different area of application of the same underlying philosophical stance, Chambers has attracted a great deal of attention after the publication of her book *Against Marriage* [R3], in which she argues that state-recognised marriage violates both equality and liberty and proposes a marriage-free, egalitarian state in which religious or secular marriages are permitted but have no legal status. Part of her argument against marriage relies on a theory of social construction that Chambers first developed in her earlier book [R1]: even with the introduction of same-sex marriage, the cultural norms that determine the meaning of marriage, and the racist and sexist history of marriage, mean that marriage remains an institution of inequality. As Chambers had previously suggested and in this later work argues in full, a woman's choice to participate in such an institution cannot be just if that choice is subject to influence and disadvantages women.

3. References to the research (indicative maximum of six references)

[R1] Chambers, Clare, *Sex, Culture and Justice: The Limits of Choice* (Penn State University Press, 2008).

[R2] Chambers, Clare, "Judging Women: Twenty-five Years Further *Toward a Feminist Theory of the State*" in *Feminist Philosophy Quarterly* Vol. 3 No. 2 (2017).

[R3] Chambers, Clare, *Against Marriage: An Egalitarian Defence of the Marriage-Free State* (Oxford University Press, 2017).

[R4] Chambers, Clare, "Reasonable disagreement and the neutralist dilemma: Abortion and circumcision in Matthew Kramer's *Liberalism with Excellence*" in *The American Journal of Jurisprudence* (2018).

[R5] Earp, Brian D., Clare Chambers, et al., "Medically unnecessary genital cutting and the child's right to bodily integrity: an international expert consensus statement" in *American Journal of Bioethics* (2019).

[R6] Chambers, Clare, "Medicalised genital cutting and the limits of choice" in *Female Genital Cosmetic Surgery: Interdisciplinary Analysis and Solution*, edited by Sarah Creighton and Lih-Mei Lao (Cambridge University Press, 2019).

Each of these outputs has either passed peer review and/or been published with a major academic press

4. Details of the impact (indicative maximum 750 words)**Impact on and via the Nuffield Council on Bioethics**

Chambers' research at the University of Cambridge led to an invitation from the Nuffield Council on Bioethics to be a member of its Working Party on Cosmetic Procedures, which produced a report in 2017 titled *Cosmetic Procedures: Ethical Issues* [E1]. Chambers' academic work on feminism, gender, appearance, and choice has directly affected both her invitation to join the Working Party and the content of the report itself. Katharine Wright, the Assistant Director at the Nuffield Council confirms the nature and significance of Chambers' contributions to their report on cosmetic procedures [E2]:

[Chambers] contributed substantially to the ethical analysis that underpins the practical policy recommendations contained within the report, particularly with reference to the importance of avoiding simplistic distinctions between 'therapeutic' and 'cosmetic' interventions, and the need to look more closely at the way social norms underpin many apparently therapeutic demands for interventions. Clare's existing work in this area is cited in the report, and she was generous in sharing her thinking with the working group in discussion, and in helping formulate a consensus response.

Clare has also been active in disseminating our work since publication, including through citing the report in her own publications; and presenting the ethics framework of our report at a 2017 Royal Society of Medicine conference on 'Changing the image of cosmetic surgery'.

The Cosmetic Procedures report included a number of recommendations to the Advertising Standards Authority (ASA) to improve its regulation of advertising that could increase social pressure to conform to an unrealistic body shape. These recommendations, partly based on Chambers' ethical analysis of the way that social norms influence choice of surgery [E1], have had impact on the ASA, which has responded by publishing online advice to advertisers that they 'should ensure that they don't portray particular body types in an irresponsible manner' [E3]. The British Association of Aesthetic Plastic Surgeons has also publicly supported Nuffield's recommendation that the ASA play a more proactive role in regulating advertisement of cosmetic procedures [E3].

The report has also had significant influence on the lobbying activity of the Nuffield Council, some of which has been led by Chambers herself. In recognition of her ongoing work with the Nuffield Council, she was appointed a Council member in March 2020. On 23 September 2020, Chambers gave evidence on behalf of the Nuffield Council to the Women and Equalities Select Committee Inquiry into Body Image. Among other things, Chambers drew attention to a number of Nuffield Council recommendations and was asked to provide more details in writing to the Committee [E8]. On 24 November 2020 she also contributed to a meeting of the All-Party Parliamentary Group Inquiry on Beauty, Ethics, and Well-Being.

Nuffield's one-year update on the impact of their report [E3] also notes a range of other consequent lobbying activity undertaken by Nuffield, including: meetings with government ministers; formal submissions to Government departments, parliamentary committees, and regulatory bodies; meetings with non-governmental policy bodies; and questions raised in the House of Lords and the House of Commons.

Impact on non-academic medical professionals

Chambers has presented her work directly to non-academic audiences including clinicians, regulators, policy makers, activists, and lawyers. She has given three separate lectures, covering questions of freedom and social influence in the choice to undergo cosmetic surgery, to professional associations of cosmetic and plastic surgeons: twice to the British Association of Plastic, Reconstructive, and Aesthetic Surgeons (BAPRAS) in 2019, and once to the Royal Society of Medicine in October 2017. Her talks questioned whether the choice to undergo cosmetic surgery is really a free choice, and highlighted problems with the role that social norms play in the motivations of cosmetic surgery patients. In total these lectures were attended by more than 400 leading surgeons, clinical practitioners, and industry figures (including the CEO of the largest cosmetic surgery company in the UK) [E4].

The President of BAPRAS has spoken highly of Chambers' work and its impact on the profession. He writes:

'Without Dr Chambers's work many surgeons would not have thought to question the motivations of their patients, but would have seen their role as fundamentally to deliver the patients' requests for surgery. Many of our members have now modified their practice to include longer consultations, with deeper investigation into the patients' aims and hopes, and a greater willingness to explore alternatives to surgery together with their patients.' Mark Henley [E4]

Public engagement, leading to impact on UK law

In addition to her work with policymakers and practitioners, Chambers has undertaken extensive public engagement work based both on her research on beauty norms and cosmetic surgery, and on her research on marriage. Her public engagement regarding the former has included a radio essay entitled 'Rethinking the Body' for *Rethink*, a BBC series of radio essays discussing how the world should change after the coronavirus pandemic. Since its first broadcast on 24/5/2020, this essay has been featured and prompted further discussion on Radio 4's Woman's Hour (25/6/2020) and Radio 5 Live's Stephen Nolan Show (29/6/2020). Public engagement undertaken by Chambers around her book *Against Marriage* has included articles for *The New Statesman*, *Times Literary Supplement*, and *Aeon* (the latter the most read *Aeon* article in the week of its publication, with 101,414 views and 4,522 Facebook shares [E5]); interviews in *El País* and on podcasts *Talking Politics*, *Public Intellectual*, and *Philosophy 24/7*, and a wide range of public talks at e.g. the Hay Festival Segovia (Spanish twin of the Hay-on-Wye Festival), the Bigg Books speaker series in Newcastle upon Tyne, and the University of Cambridge Festival of Ideas [E6].

One particularly significant consequence of this consciousness-raising work was that Chambers' research on marriage shaped Rebecca Steinfeld's and Charles Keidan's legal and political campaign to legalise different-sex civil partnerships. In 2018, the Supreme Court ruled unanimously in favour of Steinfeld and Keidan in their case against the terms of the Civil Partnership Act 2004, which created the legal institution of civil partnerships for same-sex couples but not for different-sex couples. As a result, different-sex civil partnerships became legal on 31 December 2019.

The arguments made in Chambers' book *Against Marriage* were particularly significant for the campaign, and helped to improve Steinfeld and Keidan's strategy on their way to success with the Supreme Court:

'Clare Chambers's work has definitely influenced our thinking and campaigning for Equal Civil Partnerships. [...] It also encouraged us to widen the campaign strategy to focus on choice and family stability more generally, something that helped us build the cross-party consensus that was so crucial to the ultimate legislative success of our campaign. And as we drew the campaign to a close, I used the final media opportunities to push for that deeper conversation. For example, I recorded a Woman's Hour interview that was broadcast on New Year's Eve 2019, as we were forming our civil partnership, with Clare's work in mind.'

Co-founder of the Campaign for Equal Civil Partnerships in the UK [E7]

5. Sources to corroborate the impact (indicative maximum of 10 references)

[E1] Nuffield Council on Bioethics working group on cosmetic procedures report – confirms Chambers' membership of the working group and her influence on the report in multiple citations of her work. For the connection between Chambers' research and the recommendations to the ASA see especially paragraphs 2.2 and 2.3, and 8.4-8.13.

[E2] Testimonial from Nuffield Council Assistant Director – confirms the nature and significance of Chambers' contribution to the Cosmetic Procedures report

[E3] Nuffield Council working group one-year later impact report – confirms response of the Advertising Standards Authority to Nuffield's recommendations and the Nuffield lobbying activity resulting from the report. See pgs. 5-6.

[E4] Email corroborating lecture attendance figures and letter from the BAPRAS President – confirms the nature and significance of Chambers' impact on cosmetic surgeons

[E5] Email from philosophy editor at *Aeon* confirming page views and shares, screenshot of tweet from *Aeon* confirming it was the most read in its week of publication.

[E6] Compendium of screenshots of articles and webpages confirming these public engagement events

[E7] Message from the Co-founder of the Campaign for Equal Civil Partnerships in the UK – confirms Chambers' impact on Steinfeld and Keidan legal campaign against the terms of the Civil Partnership Act 2004

[E8] We have provided an audio clip from parliamentlive.tv. The clip is from towards the end of the evidence session, when Chambers explains recommendations for legislation and is asked to write to the Committee with details of those recommendations.