

Volume 47 | Issue 2

1997

Volume 47 Issue 2 (1997)

Case Western Reserve University Law Review

Follow this and additional works at: <https://scholarlycommons.law.case.edu/caselrev>



Part of the [Law Commons](#)

Recommended Citation

Case Western Reserve University Law Review, *Volume 47 Issue 2 (1997)*, 47(2) Case W. Res. L. Rev. Front Matter (1997)
Available at: <https://scholarlycommons.law.case.edu/caselrev/vol47/iss2/2>

This Front Matter is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Case Western Reserve Law Review by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

CASE WESTERN RESERVE LAW REVIEW

VOLUME 47

WINTER 1997

NUMBER 2

COLLOQUIUM: BRIDGING SOCIETY, CULTURE, AND LAW: THE ISSUE OF FEMALE CIRCUMCISION

- INTRODUCTION JAMES T. DIXON
- BRIDGES AND BARRICADES: RETHINKING POLEMICS AND INTRANSIGENCE IN THE
CAMPAIGN AGAINST FEMALE CIRCUMCISION L. AMEDE OBIORA
- THE WAR OF THE WORLDS: A FEW COMMENTS ON LAW, CULTURE, AND RIGHTS LAWRENCE M. FRIEDMAN
- CULTURAL IDENTITY AND BEHAVIORAL CHANGE EDMUND W. GORDON
- RESPECTING WOMEN'S LIVES AND INVESTIGATING WOMEN'S
CONSCIOUSNESS: A COMMENT ON OBIORA KATHRYN ABRAMS
- COMMENT ON OBIORA'S *BRIDGES AND BARRICADES* M.A. OGBU
- BUILDING BRIDGES AND OVERCOMING BARRICADES: EXPLORING THE LIMITS OF
LAW AS AN AGENT OF TRANSFORMATIONAL SOCIAL CHANGE RONALD J. KROTOSZYNSKI, JR.
- UNEASY ALLIANCES AND SOLID SISTERHOOD: A RESPONSE TO PROFESSOR
OBIORA'S *BRIDGES AND BARRICADES* ISABELLE R. GUNNING
- ELITIST ANTI-CIRCUMCISION DISCOURSE AS MUTILATING AND ANTI-FEMINIST MICERE GITHAE MUGO
- ANOTHER BRIDGE TO CROSS: BETWEEN "OUTSIDE" AND "INSIDE" PAULINE E. PETERS
- A PERSONAL PERSPECTIVE ON THE ELIMINATION OF FEMALE CIRCUMCISION PRESTON N. WILLIAMS
- "GENITAL MUTILATION" OR "SYMBOLIC BIRTH?" FEMALE CIRCUMCISION,
LOST ORIGINS, AND THE ACULTURALISM OF FEMINIST/WESTERN THOUGHT SYLVIA WYNTER

NOTES

- VIEWING THE CONSTITUTIONALITY OF THE ACCESS ACT THROUGH
THE LENS OF FEDERALISM STEVEN A. DELCHIN
- THE LIMITS OF PRIVATIZATION: PRIVACY IN THE CONTEXT OF TAX COLLECTION CHRISTINA N. SMITH

COMMENTS

- STRANGE BREW: THE STATE OF COMMERCIAL SPEECH JURISPRUDENCE BEFORE AND
AFTER 44 *LIQUORMART, INC. v. RHODE ISLAND* SEAN P. COSTELLO
- REDLARK v. COMMISSIONER*: A "BIRD IN THE HAND" FOR
NONCORPORATE TAXPAYERS? MELINDA L. REYNOLDS

**CASE
WESTERN
RESERVE
LAW REVIEW**

Volume 47, Number 2
Winter 1997



CASE WESTERN RESERVE LAW REVIEW

VOLUME 47

WINTER 1997

NUMBER 2

Managing Editor
CHRISTINA N. SMITH

Editor in Chief
JAMES T. DIXON

Publisher
AMY B. CHURCH

Executive Articles Editor
BRANDON S. COLLIER

Executive Contributing Editor
SEAN P. COSTELLO

Executive Notes Editor
CHRISTIAN D. SAINÉ

Symposium Coordinator
ABBY R. LEVINE

Associate Coordinator
NEELY B. SCHONFELD

Articles Editors

JOSHUA S. BERGER
ALBERT S. HO
JONATHAN T. HYMAN
PAUL V. KELLER
EDWARD D. MANCHESTER
SHEILA SAEGH
ANN M. SKERRY

Contributing Editors

STEVEN A. DELCHIN
DEREK MOHR
MELINDA L. REYNOLDS

Notes Editors

JENNIFER M. CANFIELD
MICHAEL A. FIXLER
JENNIFER J. JASONIS
DEAN J. PASALIS
LAURIE G. PETERSON
WADE R. WAGATSUMA

Associates

BIANCA L. BISHOP
STEVEN C. BORDENKIRCHER
WILLIAM M. CARTER
BENJAMIN W. CHASE
MEGAN P. CREEK
MICHAEL J. EAGAN
GREGORY A. FISHMAN
LISA GRAVER
MARGARET HENDERSHOT
JOHN T. KALNAY

JOY D. KOSIEWICZ
JENNIFER I. KRATT
FREDERICK P. LEHR
HALLIE LUDSIN
JULIE C. MATHEWS
BERYL Z. MACLACHLAN
JOHN J. MCGUIRE
IAN MIDGLEY
JENNIFER M. NOCK
PATRICK J. NORTON

JENNIFER E. REDMAN
COLLEEN L. REST
BRITT J. ROSSITER
DAVID A. ROTHSCHILD
MARIE RUIZ-OCANA
JENNIE R. SHUKI
DANIEL I. SMULOW
STEPHANIE E. STRAUB
SARAH E. THOMAS
JAMES F. WALSH, JR.

Faculty Advisor
JULIET P. KOSTRITSKY

Business Manager
CAROLYN L. SPEAKER

Manuscript Secretary
DEBBIE KORENCHAN

CASE WESTERN RESERVE UNIVERSITY
SCHOOL OF LAW FACULTY

Administrative Officers

MICHAEL J. GERHARDT, B.A., M.Sc., J.D., *Dean*
WILBUR C. LEATHERBERRY, A.B., J.D., *Associate Dean for Academic Affairs*
JOANNE U. JACKSON, B.A., J.D., *Associate Dean for Students and Administrative Affairs*
BARBARA F. ANDELMAN, B.A., J.D., *Assistant Dean for Admissions and Financial Aid*
JOHN R. BOOMER, B.A., J.D., *Assistant Dean for Employer Services*

Professors Emeriti

SIMON L. GOREN, Dip. Law, M.L.S.
HUGH A. ROSS, B.S., LL.B., LL.M., S.J.D.
OLIVER C. SCHROEDER, JR., A.B., J.D., *Albert J. Weatherhead III and Richard W. Weatherhead
Professor Emeritus of Law and Criminal Justice*
LOUIS A. TOEPPER, A.B., LL.B., *Dean Emeritus, President Emeritus of the University*

Professors of Law

ARTHUR D. AUSTIN II, B.S., LL.B.
Edgar A. Hahn Professor of Jurisprudence
LAURA BROWN CHISOLM, B.A., J.D.
RONALD J. COFFEY, A.B., LL.B., LL.M.
GEORGE W. DENT, B.A., J.D., LL.M.
REBECCA SUSAN DRESSER, B.A., M.S., J.D.
*John D. Drinko-Baker & Hostetler
Professor of Law and Biomedical Ethics*
MELVYN R. DURCHSLAG, B.S., J.D.
JONATHAN L. ENTIN, A.B., J.D.
Professor of Law and Political Science
LEON GABINET, Ph.B., J.D.
David L. Brennan Professor of Law
PETER M. GERHART, B.A., J.D.
PAUL C. GIANNELLI, B.A., M.S.F.S., J.D., LL.M.
*Albert J. Weatherhead III and
Richard W. Weatherhead Professor of
Law and Criminal Justice*
ERIK M. JENSEN, S.B., M.A., J.D.
PETER D. JUNGER, A.B., LL.B.
LEWIS R. KATZ, A.B., J.D.
*John C. Hutchins Professor of Law and
Director, LL.M. United States Legal Studies*
HENRY T. KING, JR., B.A., LL.B.
U.S. Director, Canada-U.S. Law Institute
GERALD KORNGOLD, B.A., J.D.
*Everett D. and Eugenia S. McCurdy
Professor of Law*
JULIET P. KOSTRITSKY, A.B., J.D.
ROBERT P. LAWRY, B.A., J.D., Dip. Law,
Director, Center for Professional Ethics
WILBUR C. LEATHERBERRY, A.B., J.D.
WILLIAM P. MARSHALL, B.A., J.D.
Galen J. Roush Professor of Law
JAMES W. MCELHANEY, A.B., LL.B.
*Joseph C. Hostetler Professor of
Trial Practice and Advocacy*
KEVIN C. MCMUNIGAL, B.A., J.D.
EDWARD A. MEARN, JR., B.S., LL.B.
MAXWELL J. MEHLMAN, B.A., J.D.
*Arthur E. Petersilge Professor of Law and
Director, Law-Medicine Center*
SPENCER NETH, A.B., J.D., LL.M.
SIDNEY I. PICKER, JR., A.B., LL.B., LL.M.
Director, Russian Legal Studies Program
MORRIS G. SHANKER, B.S.E.E., M.B.A., J.D.
John Homer Kapp Professor of Law
CALVIN WILLIAM SHARPE, B.A., J.D.
ROBERT N. STRASSFELD, B.A., M.A., J.D.

Associate Professors of Law

KATHLEEN CARRICK, B.A., M.L.S., J.D., *Librarian*
HIRAM E. CHODOSH, B.A., J.D., *Director, Comparative Legal Studies*
ANDREW P. MORRISS, A.B., M.P.A., J.D., Ph.D., *Associate Professor of Law and
Associate Professor of Economics*
THEODORE L. STEINBERG, B.A., Ph.D., *Associate Professor of History and Law*

Assistant Professors of Law

PETER A. JOY, A.B., J.D., *Director, Kramer Legal Clinic*
ANN SOUTHWORTH, B.A., J.D.
WENDY ELIZABETH WAGNER, B.A., M.S., J.D.

Instructors in Law

BRYAN L. ADAMSON, B. Phil., B.S., M.A., J.D.
JONATHAN GORDON, B.A., J.D.
THOMAS I. HAUSMAN, B.A., J.D., LL.M.
MARY KATHERINE KANTZ, A.B., J.D.
JUDITH P. LIPTON, B.A., M.S.S.W., J.D.
KENNETH R. MARGOLIS, B.A., J.D.
LOUISE W. MCKINNEY, B.A., J.D.
KATHRYN SORDS MERCER, A.B., M.S.S.W., J.D.

The CASE WESTERN RESERVE LAW REVIEW (ISSN 0008-7262), formerly the Western Reserve Law Review, is published quarterly by the students of the Case Western Reserve University School of Law.

Editorial and business offices are located at Case Western Reserve University, 11075 East Boulevard, Cleveland, Ohio 44106-7148, telephone (216) 368-3312. The submission of unsolicited manuscripts is invited.

Subscriptions are entered for the entire volume for \$25.00 per year. Subscriptions are automatically renewable and any correspondence regarding this should be sent to the Business Manager. The Review's policy requires that unless a claim for nonreceipt of an issue is received within three months after the mailing date, the Review cannot be held responsible for supplying that issue without charge.

Single issues of the current volume are available for \$10.00 each. Special and Symposium issues are \$15.00. Back issues from earlier volumes are available from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209.

The Review is a member of the National Conference of Law Reviews. Citations conform to *The Bluebook: A Uniform System of Citation* (16th ed. 1996), copyright by the Columbia Law Review, the Harvard Law Review, the University of Pennsylvania Law Review, and the Yale Law Journal. Style conforms generally to *The Chicago Manual of Style* (14th ed. 1993).

The Case Western Reserve Law Review grants permission for each article in this volume to be copied for use by nonprofit educational institutions, provided that (1) copies are distributed at or below cost, (2) the author and the Review are identified, and (3) proper notice of copyright is affixed to each copy.

This issue went to press in February, 1997.

THE CASE WESTERN RESERVE LAW REVIEW (ISSN 0008-7262) is published quarterly for \$25.00 per year by Case Western Reserve University School of Law, 11075 East Boulevard, Cleveland, Ohio 44106-7148. Periodicals postage paid at Atlanta, Georgia, and additional mailing offices. **POSTMASTER:** Send address changes to the CASE WESTERN RESERVE LAW REVIEW, 11075 East Boulevard, Cleveland, Ohio 44106-7148.

CASE WESTERN RESERVE LAW REVIEW

VOLUME 47

WINTER 1997

NUMBER 2

COPYRIGHT © 1997 BY CASE WESTERN RESERVE LAW REVIEW

COLLOQUIUM: BRIDGING SOCIETY, CULTURE, AND LAW: THE ISSUE OF FEMALE CIRCUMCISION

INTRODUCTION

James T. Dixon 263

BRIDGES AND BARRICADES: RETHINKING POLEMICS AND INTRANSIGENCE IN THE CAMPAIGN AGAINST FEMALE CIRCUMCISION

L. Amede Obiora 275

THE WAR OF THE WORLDS: A FEW COMMENTS ON LAW, CULTURE, AND RIGHTS

Lawrence M. Friedman 379

CULTURAL IDENTITY AND BEHAVIORAL CHANGE

Edmund W. Gordon 389

RESPECTING WOMEN'S LIVES AND INVESTIGATING WOMEN'S CONSCIOUSNESS: A COMMENT ON OBIORA

Kathryn Abrams 399

COMMENT ON OBIORA'S *BRIDGES AND BARRICADES*

M.A. Ogbu 411

BUILDING BRIDGES AND OVERCOMING BARRICADES: EXPLORING THE LIMITS OF LAW AS AN AGENT OF TRANSFORMATIONAL SOCIAL CHANGE

Ronald J. Krotoszynski, Jr. 423

UNEASY ALLIANCES AND SOLID SISTERHOOD: A RESPONSE TO PROFESSOR OBIORA'S *BRIDGES AND BARRICADES*

Isabelle R. Gunning 445

ELITIST ANTI-CIRCUMCISION DISCOURSE AS MUTILATING AND ANTI-FEMINIST

Micere Githae Mugo 461

ANOTHER BRIDGE TO CROSS: BETWEEN "OUTSIDE" AND "INSIDE" <i>Pauline E. Peters</i>	481
A PERSONAL PERSPECTIVE ON THE ELIMINATION OF FEMALE CIRCUMCISION <i>Preston N. Williams</i>	491
"GENITAL MUTILATION" OR "SYMBOLIC BIRTH?" FEMALE CIRCUMCISION, LOST ORIGINS, AND THE ACULTURALISM OF FEMINIST/WESTERN THOUGHT <i>Sylvia Wynter</i>	501

NOTES

VIEWING THE CONSTITUTIONALITY OF THE ACCESS ACT THROUGH THE LENS OF FEDERALISM <i>Steven A. Delchin</i>	553
THE LIMITS OF PRIVATIZATION: PRIVACY IN THE CONTEXT OF TAX COLLECTION <i>Christina N. Smith</i>	627

COMMENTS

STRANGE BREW: THE STATE OF COMMERCIAL SPEECH JURISPRUDENCE BEFORE AND AFTER 44 <i>LIQUORMART, INC. v. RHODE ISLAND</i> <i>Sean P. Costello</i>	681
<i>REDLARK v. COMMISSIONER</i> : A "BIRD IN THE HAND" FOR NONCORPORATE TAXPAYERS? <i>Melinda L. Reynolds</i>	751