

1997

"Genital Mutilation" or "Symbolic Birth?" Female Circumcision, Lost Origins, and the Aculturalism of Feminist/Western Thought

Sylvia Wynter

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

 Part of the [Law Commons](#)

Recommended Citation

Sylvia Wynter, *"Genital Mutilation" or "Symbolic Birth?" Female Circumcision, Lost Origins, and the Aculturalism of Feminist/Western Thought*, 47 Case W. Rsrv. L. Rev. 501 (1997)

Available at: <https://scholarlycommons.law.case.edu/caselrev/vol47/iss2/14>

This Article 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.

“GENITAL MUTILATION” OR
“SYMBOLIC BIRTH?” FEMALE
CIRCUMCISION, LOST ORIGINS, AND
THE ACULTURALISM OF
FEMINIST/WESTERN THOUGHT

Sylvia Wynter[†]

Article 5 of the Universal Declaration of Human Rights . . . stipulates: “No one shall be subjected to torture, or to cruel, inhuman, or degrading treatment or punishment.” The meaning of this provision, though, is not self-evident. Conceptions of human dignity tend to be indeterminate and contingent and what may appeal to one school as torture, may be absolved or approved of by another as culture. An act one may condemn as depreciative of human dignity, may have been enacted by its practitioners as an enhancement of human dignity.

L. Amede Obiora¹

Not so very long ago, the earth numbered two thousand million inhabitants: five hundred million men, and one thousand five hundred million natives. The former had the Word; the others had the use of it. . . . The European élite undertook to manufacture a native élite. They picked out promising adolescents; they branded them, as with a red-hot iron, with the principles of Western culture. . . . From

[†] Professor Emerita, Spanish & Portuguese and African and Afro-American Studies, Stanford University.

1. L. Amede Obiora, *Bridges and Barricades: Rethinking Polemics and Intransigence in the Campaign Against Female Circumcision*, 47 CASE W. RES. L. REV. 275, 277 (1997) (footnotes omitted).

Paris, from London, from Amsterdam we would utter the words "Parthenon! Brotherhood!" and somewhere in Africa or Asia lips would open " . . . thenon! . . . therhood!" It was the golden age.

It came to an end; the mouths opened by themselves

. . . .

Jean-Paul Sartre²

The peculiarity of "our place in the world" which isn't to be confused with anybody else's. The peculiarity of our problems which aren't to be reduced to subordinate forms of any other problem. The peculiarity of our history, laced with terrible misfortunes which belong to no other history.

Aimé Césaire³

INTRODUCTION

Professor Obiora superbly argues a defense of taking a "middle course" toward the issue of the eradication of "female circumcision," raised by feminists as well as by Western legal systems and some governments of contemporary Africa. My response will propose that the complex and meticulous arguments that she puts forward have implications that go beyond the limits of her proposed "middle course" solution and its concluding proposals. On the basis of the distinction identified by Sartre,⁴ I shall propose that the situation in which Obiora finds herself, as both a *native woman* and a member of a *native intelligentsia*, has impelled her, even while appealing to "feminist principles" based on an ostensibly universal "sisterhood," to move outside the limits of feminist theory in order to "open her mouth for herself." This situation is that of having to defend, although herself a feminist, the "rationality" (to its practitioners) of the traditional African practice of "female circumcision" (her definition) against its stigmatizing/inferiorizing classification by other feminists as "genital mutilation" or "torture." Such a classification is, however, one that can only appear to be valid to the classifiers from within the terms of

2. Jean-Paul Sartre, *Preface* to FRANTZ FANON, *LES DAMNÉS DE LA TERRE/THE WRETCHED OF THE EARTH* 7 (Constance Farrington trans., 1963).

3. AIMÉ CÉSAIRE, *LETTRÉ À MAURICE THOREZ*, (Présence Africaine 3d ed. 1956) (translated by the author).

4. See Sartre, *supra* note 2, at 7.

what the anthropologist Clifford Geertz identified as the local culture⁵ of the West (even if now globalized), and its conception of the human. Obiora has, therefore, found herself compelled, if implicitly so, to call into question the essentially *acultural* nature of feminist thought, as well as of all contemporary Western *social* thought, including its legal-judicial thought. In so doing, therefore, to call into question the "Western epistemological" locus,⁶ as the only purely degodded or secularized (and therefore trans-religious if not transcultural) locus in human history. Our present intellectual exchange is made possible in these terms alone.

"The fact of the matter," Mudimbe pointed out, "is that until now, Western interpreters as well as African analysts have been using categories and conceptual systems which depend on a Western epistemological order."⁷ So pervasive and all-encompassing is this order that even the most explicitly Afrocentric descriptions and models of analysis, take their analytic categories from its "ground." Thus, these categories are imposed on the body of the *other* reality, conceptual and empirical of African traditional worlds. While this is not to say that African world views and African traditional systems of thought are "unthinkable and cannot be made explicit within the framework of their own rationality," the fact remains that "the ways in which they have been evaluated and the means used to explain them relate to theories and methods whose constraints, rules, and systems of operation suppose a non-African epistemological locus," and in effect suppose "a silent dependence on a Western episteme."⁸

My point here is that both the discourse of feminism as well as that of the Western legal system, as discourses in whose logic the cultural practices of female circumcision (whether that of its mild form of symbolic pricking or that of its extreme form of infibulation) can be seen as "genital mutilation" or even "torture." They, too, presuppose a "silent dependence" on this episteme, and therefore on its conception of the human as a purely biologized being on the model of a "natural organism."⁹ Thus, Professor

5. See CLIFFORD GEERTZ, *LOCAL KNOWLEDGE: FURTHER ESSAYS IN INTERPRETIVE ANTHROPOLOGY* 16 (1983).

6. See V.Y. MUDIMBE, *THE INVENTION OF AFRICA: GNOSIS, PHILOSOPHY AND THE ORDER OF KNOWLEDGE* at x (Charles S. Bird & Ivan Karp eds., 1988).

7. See *id.*

8. See *id.* (emphasis omitted).

9. See MICHEL FOUCAULT, *THE ORDER OF THINGS: AN ARCHAEOLOGY OF THE HU-*

Obiora's challenge to these definitions, and to the coercive "aura" of the names to which they give rise, calls both this episteme and its conception of the human into question. Her challenge to the definitions of these discourses makes possible the recognition of the relativity of what must *count as* true for the episteme on which these discourses depend, as this episteme is both historically and culturally specific.

In drawing attention to the "local" nature of the culture of the West, Geertz argued that if "tolerance" toward all other cultures was not to be a sham, it should be the duty of anthropology to teach and re-teach "this fugitive truth."¹⁰ The anthropological dilemma, with respect to the teaching of this "truth," lies in the fact that the discipline of anthropology (together with its conceptual breakthroughs regarding the study of non-western cultures) owes its very condition of existence as a discipline to the pre-analytic descriptive statement of the human on the biocentric model of a natural organism; one that must then repress all awareness that it is itself, a culture-specific descriptive statement. Therefore, anthropology can only teach this fugitive truth *at the price of its own obsolescence* as a discipline, as well as that which Foucault defines as the "ground" of its episteme.¹¹

My proposal here is that the subtlety and sharpness of Obiora's insights on the fundamentally contradictory nature of the positions adopted not only by mainstream feminism, but also by most Western legal systems, and some African governments, towards the problematic practice of ritual female circumcision, have impelled her, even where she attempts to rechannel her insights into more orthodox intellectual pathways, to move beyond the premises of the acultural or "supracultural" fallacy¹² that is defining of our present epistemological locus and towards the uncovering of Geertz' "fugitive truth."¹³ In the eyes of the Neo-Agrarian cultures of today's Africa, the customary ritual practices of both male and female circumcision are seeable by their practitioners as the supernaturally prescribed, and therefore, indispensable condition of *being human*.

MAN SCIENCES 310 (Vintage Books 1973).

10. See GEERTZ, *supra* note 5, at 16.

11. See FOUCAULT, *supra* note 9, at 387.

12. The term is adopted from Legesse. See ASMARON LEGESSE, GADA: THREE APPROACHES TO THE STUDY OF AFRICAN SOCIETY 274 (1973).

13. See GEERTZ, *supra* note 5 and accompanying text.

So it is only within the terms of our contemporary culture that the eradication of these specific cultural practices, rather than, for example, the eradication of hunger, can be seen as the indispensable condition of being human, of being, for feminist thinkers and writers, an autonomous and fully realized woman.¹⁴

It is this conception of being human, of being a woman, that Professor Obiora most sharply calls into question. She does so, clearly, from the perspective of the unique and peculiar nature of our problem, one that, although hitherto non-theorizable, cannot, as Aimé Césaire pointed out, be made into a subordinate part of any other problem.¹⁵ This is true, whether that of Liberalism's equality issue, the Marxian class issue, or of Feminism's gender issue. At the same time, however, as also a feminist and legal scholar, Professor Obiora attempts to resolve the issue in the terms of feminist or legal principles: principles, however, that her critique at the same time devastatingly deconstructs.

I. CALLING INTO QUESTION THE WEST'S "MONOPOLY OF
HUMANITY:" THE RELATIVITY OF WHAT IT IS TO BE A GOOD
MAN OR WOMAN OF ONE'S KIND

What then does Article 5 mean in a universe of competing values and moralities? Is there an objective technique for evaluating systems of morals and cultures? Given the specificity of cultural standards and values, and given the predisposition of human beings to generalize from their situated perspectives and realities, how can we ensure that our presumptions and assertions of universality are not veiled projections onto others of our moral categories? How can we develop a transcultural system of human rights?

L. Amede Obiora¹⁶

14. See ALICE WALKER, *POSSESSING THE SECRET OF JOY* (1992); ALICE WALKER & PRATIBHA PARMAR, *WARRIOR MARKS: FEMALE GENITAL MUTILATION AND THE SEXUAL BLINDING OF WOMEN* (1993) (a companion book to their anti-circumcision video documentary, discussing various journeys that bring people a step closer to illuminating the beauty in women's lives).

15. See CÉSaire, *supra* note 3, at 8.

16. Obiora, *supra* note 1, at 277-78.

Like Trobrianders, we have a notion of what a man or woman ought to do if they are to lead a full and reasonable life. A Trobriand man who wished to be considered good of his kind had to participate in urigubu and youlo, in kula and kovisi, and to do so fairly and honestly with some success. We expect our acquaintances to try to be rounded people with reasonable personal repertoire: then we may call them good of their kind—good men, good women, good shopkeepers, good Registrars. In my view, it is this image of what a whole person is, and the desire to be considered good of one's kind, . . . the notion we have of what a full life and a whole rounded person should be that leads us to attempt to play a number of different pieces from the repertoire available.

John Davis¹⁷

Professor Obiora defines her intention as that of seeking to “reconcile conflicting positions in the circumcision controversy by elaborating a middle course underscoring how an acute sensitivity to cultural context . . . balances efforts to protect the interests of women.”¹⁸ Further, she intends to make use of this “assertion of local context” in order to balance “an emerging radical feminist consensus that overwhelmingly ignores the incommensurability of cultural motivations and meanings.”¹⁹

Specifically, the “middle course” proposes that while the postures opposed to the “modification of female circumcision” are “more appropriate for the drastic forms of the practice” (such as infibulation), the mild forms of the practice (such as symbolic prickings), where the health hazards are not at issue, should not be prohibited.²⁰ Without the argument for health hazards, “the value of eliminating mild forms of circumcision, in spite of the affirmative meanings they may express for the women and the cultures concerned, remains to be seen . . . [and] the case for total prohibition loses its force.”²¹ For Obiora here, the argument for prohibition goes beyond *health hazards* (as a “natural-scientific recover-

17. JOHN DAVIS, EXCHANGE 46 (1992).

18. Obiora, *supra* note 1, at 286.

19. *Id.*

20. *Id.*

21. *Id.*

able notion"²²) and enters into the realm of what she has defined as that of "cultural motivations and meanings,"²³ ones that are, therefore, incommensurable as between cultures. It is precisely this incommensurability, I shall propose, that makes her proposed middle course alternative, as a counter balance to the ideological thrust of radical feminism, a difficult one for her intended feminist and legal studies audience to accept. There are profoundly different conceptions of the human at work here. One of which is that the practice of female circumcision is the expression, and of which the anti-circumcision drive by both Western and Westernized feminists (e.g., *native* women intelligentsia who have come to see their own issue as a subordinate part of the gender issue) is the reaction. Given the confrontation of two indigenous hermeneutics, two frameworks of rationality, and two modes of reflective thought and motivation—one belonging to the Neolithic Agrarian order of things, the other to our contemporary techno-industrial order, yet with each as cognitively closed in the last instance as the other—it will be only on the basis of an entirely new conception outside the limits of their respective criteria and conception of what it is to be a "good man or woman of their kind," outside the terms, therefore, of their cultural ontologies, and their respective indigenous behavioral repertoires and hermeneutics, that Professor Obiora's proposed middle course will be hearable.

However, given both the vastly different nature of the repertoires that the members of each group (that of Western feminists and the Westernized, Third World, African, and Afro-American feminists on the one hand, and that of traditional women circumcisers and those who adhere to the customary practices, both men and women, on the other) have at their disposal, as well as

22. While the charge has been made that female circumcision increases the risk for susceptibility to the AIDS virus, research in the case of male circumcision has found that the susceptibility to AIDS of African men is correlated with the lack of male circumcision. Because of this, men in rural southwest Tanzania "are appearing at hospitals in sharply increasing numbers, requesting circumcision. . . ." John C. Caldwell & Pat Caldwell, *The African AIDS Epidemic*, *SCI. AM.*, Mar. 1996, at 62, 68. In consequence, "[c]linics that offer adult male circumcision as a protection against AIDS now advertise in Tanzanian newspapers." *Id.* The reluctance of the Western medical establishment to accept this correlation was due to "the controversy . . . about whether circumcision was meaningless mutilation. . . ." *Id.* Unfortunately, the authors do not relate male to female circumcision. Nevertheless, the central point here is that to see "female" and "male" circumcision as "meaningless mutilation" is *not* to be able to see it.

23. See Obiora, *supra* note 1, at 286.

the vast power-differential between the two, the dispute will tend to be resolved in terms imposed by the former. Since it is the members of the first group who now find themselves empowered, *inter alia*, by the ongoing techno-information revolution of the West that is now penetrating the most distant corners of the globe, it is their conception of the human and criterion of what it is to be a good man and woman of one's kind that will inevitably, as part of the completed Westernization of the planet, be increasingly hegemonic. At the same time, all of the planet is increasingly drawn into the now purely secular, yet ethnic and indigenous, hermeneutic elaboration of our present conception of the human, *Man*, of its Word.

A recent report in the *New York Times*²⁴ is a clear example of the vast power differential that exists between the two groups. The main theme of the story is that Congress, pushed to do so by a woman member, had not only "outlawed the rite of female genital cutting in the United States" but had "directed Federal authorities to inform new immigrants from countries where it is commonly practiced that parents who arrange for their children to be cut here, as well as people who perform the cutting, face up to five years in prison."²⁵ The "new law also requires United States representatives to the World Bank and other international financial institutions, that have lent billions of dollars to the 28 African countries where the practice exists, to oppose loans to governments that have not carried out educational programs to prevent it."²⁶

In this context, where Professor Obiora states that she plans to provide the main outlines of the "indigenous understandings and feminist critiques of [female circumcision],"²⁷ I shall propose that we shall need to imperatively parallel an analysis of the "indigenous understanding" of the first with an analysis also of the equally "indigenous understanding" of the feminist critiques and the actions taken by the political-legal establishments themselves. As a result, where she plans, as she states, to highlight "the extent to which the antagonism between the two positions captures recurrent tensions in the theoretical and normative bases of trans-cultural

24. See Celia W. Dugger, *New Law Bans Genital Cutting in United States*, N.Y. TIMES, Oct. 12, 1996, at 1.

25. *Id.*

26. *Id.*

27. Obiora, *supra* note 1, at 287.

critique,"²⁸ I shall propose that we use this antagonism as the point of departure for the elaboration of a "trans-cultural critique" of *both positions*—one able to reveal the respective cultural *relativity* of each of their conceptions of the human; to reveal thereby the relativity of the purely biologized conception of the human on whose basis alone feminism is enabled to posit the existence of an acultural category, *woman*, and thereby to propose an emancipatory project ostensibly encompassing of all *women*—rather than as one that is veridically merely unifying of Western middle class women with their Westernized middle class and essentially urban professional *native* peers.

In this context, where Professor Obiora plans to analyze the "functionalist premises of the feminist 'patriarchy' thesis and its corollary, the 'male sexual control hypothesis,'"²⁹ I shall propose that we see these premises not only as functioning within the terms of the "biologized" indigenous hermeneutics of our contemporary culture, but also as a centrally constitutive part of the strategy set,³⁰ by means of which feminists now seek to attain parity of power and opportunity with their male peers; doing so by theoretically cannibalizing issues such as that of female circumcision. Thus, where Professor Obiora sets out to "address[] how relevant circumcision protestations contradict feminist principles"³¹ (protestations that, as she shows later, must, *inter alia*, attack both the women who are circumcisors and all women who still fervently believe in the practice), my proposal is that we consider the possibility that there is no contradiction, in that the generic referent subject of feminist discourse may not be *all* women. This mirrors the fact that the referent subject of our present order of knowledge, *Man*, and its discourse of Liberal humanism, is not all *humans*, but *only those who attain to Western bourgeois status*. Thus, the generic referent subject of feminist discourse is only the culturally Western and westernized middle class woman, who alone can, within the terms of our present order, come to constitute the generic woman. As such, she is one who must necessarily claim, as does her male middle class peer, a "monopoly of humanity."

28. *Id.*

29. *Id.*

30. See Maynard Smith, *Game Theory and the Evolution of Cooperation*, in *EVOLUTION FROM MOLECULES TO MEN*, 453-55 (D.S. Bendall ed., 1983) (discussing strategy sets in constructing a model of a society containing more than one group).

31. Obiora, *supra* note 1, at 287.

If this premise is valid, then where Professor Obiora's plans to suggest that "cultural imperialism and orientalism may well lurk behind tendentious exposés of female circumcision, without giving mindless lip-service to the social fabric,"³² my proposal will be that, given that some of the most sustained attacks of the practice of female circumcision have been written by African feminists, such as Efua Dorkenoo,³³ as well as by an Afro-American feminist, Alice Walker,³⁴ we might well want to identify a more comprehensive praxis of domination of which "cultural imperialism," Orientalism (and centuries before, Orientalism, the discourse of *primitive Africanism* and *indigenous-American savagism*), are themselves, like the ongoing discourse of *genital mutilationism*, but functions.

The anthropologist Jacob Pandian points out that the West's transformation of its matrix identity of *Christian*³⁵ (and of what it means to be a good man or woman of one's kind) into the secular identity of *Man* (doing so in two stages, one in the fifteenth and sixteenth centuries, the other at the end of the eighteenth and during the nineteenth century) was only made possible by its parallel transformation of the Others to its religious identity of Christian (e.g., idolator, heretic, infidel, pagan, "enemies of Christ")³⁶ into the *Human Others* to *Man*. He then shows how the discourse of anthropology was central to this inscripting process, with the first Other being defined as the *Savage Irrational Other* to *Man*, who was then conceived of as the *Rational Self*³⁷ (and therefore as *homo politicus*, or political man or citizen). While the physical referents of this first Other were the indigenous peoples of the Americas (e.g., classified as *indios/Indians*) the transported enslaved Africans (classified as *negros/Negroes*) were also inscripted as

32. *Id.*

33. See EFUA DORKENOO, CUTTING THE ROSE: FEMALE GENITAL MUTILATION: THE PRACTICE AND ITS PREVENTION 3 (1994) (discussing why people practice "genital mutilation" despite its numerous health consequences, but also seeing it in terms of our own culture's purely biologized conception of the human).

34. See WALKER, WALKER & PARMAR, *supra* note 14.

35. See JACOB PANDIAN, ANTHROPOLOGY AND THE WESTERN TRADITION: TOWARD AN AUTHENTIC ANTHROPOLOGY (1985) (presenting an interpretation of anthropology, its intellectual and social foundations, structure, meaning, and construction of human others to the first secular conception of being (man) in history).

36. See MUDIMBE, *supra* note 6, at 45 (noting that missionaries were part of the political process of creating the right of European sovereignty over newly discovered lands).

37. See PANDIAN, *supra* note 35, at 3.

Other, and assimilated to the category of the *indios*, as the most extreme form of irrationality and the ostensible missing link between humans and animals. However, with the reinvention of *Man* during the nineteenth century as a purely biological being whose origin was now located in the processes of bioevolutionary Natural Selection rather than in Genesis, the physical referent of the Human Other to *Man* (now defined as the Evolved/Eugenic Self) was the category constituted by all peoples of African hereditary descent, now discursively inscribed as the non-Evolved, dysgenic, and most racially inferior *nigger* Other.³⁸ Assimilated to its category of alterity were now to be all the colonized non-white peoples of the world, e.g., Sartre's *natives*.³⁹ As Césaire showed in 1960, the systemically inferiorizing discourse of Western thinkers on the series of colonized and subjugated Others was a systemic praxis essential to, because legitimating of, the overt forms of subjugation and domination.⁴⁰ Edward Said, in his book on Orientalism, was later to systemically show the rule-governed functioning of this discursive praxis in the case of "the near East."⁴¹

The proposal here, therefore, is that what Professor Obiora identifies as "cultural imperialism,"⁴² should perhaps be looked at as being indistinguishable from Western cultural ontologism.⁴³ It is thereby indistinguishable from its discursive inscripting of the Western bourgeois conception of being, *Man* (and now, in the wake of feminism, *Woman*), through the mediation of the stigmatizing discourse that constructs its Human Others (as the Fool in Derrida's terms, to its Logos⁴⁴) in the terms of the purely biologized model of a natural organism. As a praxis, therefore, it is no more conscious of itself and its inscripting of the conception of the human than the practitioners of male and female circumcision

38. See *id.* at 3.

39. See Sartre, *supra* note 2, at 7.

40. See AIMÉ CÉSAIRE, DISCOURSE ON COLONIALISM 16-21 (Joan Pinkham trans., 1972).

41. See EDWARD SAID, ORIENTALISM 1-28 (1978) (discussing how the West has created its own stereotype of Asian peoples, terming it Orientalism); see also CÉSAIRE, *supra* note 40, at 1-10 (discussing how colonization works to induce the colonizer to represent the colonized in the negative, stereotyped terms that justify the colonizer's dominance).

42. See Obiora, *supra* note 1, at 287.

43. I have adapted the term from Sahlins. See MARSHALL SAHLINS, HOW "NATIVES" THINK ABOUT CAPTAIN COOK, FOR EXAMPLE 1-15 (1995).

44. See Jacques Derrida, *Cogito and the History of Madness*, in WRITING AND DIFFERENCE 61 (Alan Bass trans., 1978).

are conscious of their praxis as being that of one of the earliest invented forms of the inscription of the human—one that is as specific to the Neolithic Agrarian order of human forms of life as our present inscribing practices are central to our contemporary techno-industrial order of things. At the same time, as both types of practices give expression to specific conceptions of the human (of what it means to be a good man or woman of one's kind) through whose mediation alone the individual of the uniquely language-capacitated species is enabled to experience, and thereby realize *itself* as *human*, as *himself/herself*.

As the biologist Antonio de Nicolás suggested:

Ultimately it would appear that . . . men and women have never been any one particular thing or have had any particular nature to tie them down metaphysically. . . . [H]umans become through their powers of embodiment, a multiplicity of theories that became human because *man has the capacity to turn theory into flesh* . . . [into] codings in the nervous system . . . known as *conditioning*.⁴⁵

The African scholar T.E.B. Sow has pointed out, in the same context, that the "Western concept of 'human nature' is a theoretical fiction."⁴⁶ The Black Martinian psychiatrist and political activist Frantz Fanon, on the basis of the experience of his black patients was also fundamentally to call into question the "indigenous understanding" that underlies our contemporary culture's theoretical fiction of human nature.⁴⁷

After citing the following lines from Aimé Césaire's *Discourse on Colonialism*:

*I am talking of millions of men who
have been skillfully injected with
fear, inferiority complexes, trepidation,
servility, despair, abasement—*⁴⁸

45. See Antonio T. de Nicolás, *Notes on the Biology of Religion*, J. SOC. & BIOLOGICAL STRUCTURES, Apr. 1980, at 219, 225 (emphasis added).

46. See MUDIMBE, *supra* note 6, at 168 (quoting Sow).

47. See FRANTZ FANON, BLACK SKIN, WHITE MASKS 8-11 (Charles Lam Markmann trans., 1967) (noting that his patients desired *being* in terms of whiteness and European physiognomy; but also *being* as reflexively averse to their own physiognomy and *being* as other non-blacks were reflexively averse to them—a desire as persistent as that of African women's desire of being in terms of being circumcised).

48. *Id.* at 7 (quoting from AIMÉ CÉSAIRE, DISCOURSE ON COLONIALISM, *supra* note

and noting his own black patients' "internalization" and epidermalization of their attributed inescapable inferiority, Fanon made the following conceptual breakthrough—one in which the systemic inferiorization both of his black patients and of Césaire's colonized peoples could now be seen not as an arbitrary practice, but as one that had served, and serves, as systemic a purpose as the systemic inferiorization of the category of the *uncircumcised* (male and female) had served in traditional African societies:

Reacting against the constitutionalist tendency of the late nineteenth century, Freud insisted that the individual factor be taken into account through psychoanalysis. He substituted for a phylogenetic theory the ontogenetic perspective. It will be seen that the black man's alienation is not an individual question. Beside phylogeny and ontogeny stands sociogeny. . . . [L]et us say that this is a question of a sociodiagnostic.⁴⁹

In this overall context, therefore, where Professor Obiora proposes to make a case for "transitional transformations" by "[e]xamining international accords and Western legislative and judicial activities regulating female circumcision" in order to foreground "legal, feminist, and pragmatic considerations for a reformist strategy emanating from both a contextual analysis of the issue and close consultation with the affected communities,"⁵⁰ I should like to propose that such a case can only be "hearable" on the basis of a new conception of the human, one to be elaborated on the basis of two definitions:

- (1) Antonio de Nicolás' identification of the *relativity* of our modes of being human, and of the invented practices—institutions by means of which our culture-specific conceptions of being human (e.g., *theory*) are inscribed, turned into *flesh*,⁵¹ and,
- (2) Frantz Fanon's post-Western conception (one which therefore moves outside the limits of our present epistemological locus) of the human as a hybridly ontogenetic and sociogenetic being, and as, therefore, an always

40).

49. See FANON, *supra* note 47, at 11 (footnote omitted).

50. Obiora, *supra* note 1, at 287.

51. See Nicolás, *supra* note 45.

already socialized subject who must likely desire, prefer, know Self, Other, and World, as well as behave upon that world, in the terms of its mode of *socialization*.⁵² As, in Althusserian terms, an always already interpellated subject, or in Professor Obiora's, a "culturally situated being[],"⁵³ and as such one who can desire to be a woman in the terms of being *circumcised* in the same way as one now desires to be a woman in the terms of being Western, middle class, (one for whom plastic surgery and breast implants are accepted options within the conception of being in which they have been socialized) and since the Sixties, a feminist, generic or native, the owner of the feminist Word, or its user.

Concluding the schema of her argument, Professor Obiora writes that in order to establish the expediency of her middle course alternative strategy, she will juxtapose "evidence of the adverse nature and effects of the operation . . . against a critique of the dismal failure of previous attempts to eradicate the culturally embedded practice" with the purpose of enabling the eradication approaches of "education and clinicalization" (e.g., in the latter case, the approach that would enable the milder forms of female circumcision to be permitted, under the supervision of health care professionals) to be recognizable as more feasible strategies than "coercive intervention."⁵⁴

In support of Obiora's alternative strategy (which I see as the only way of working toward the cognitive-transformational processes of the "culturally embedded" practice of female circumcision), and aware that such an alternative will result in a storm of protests,⁵⁵ my proposal is that we base ourselves upon the hypoth-

52. See generally FANON, *supra* note 47.

53. See Obiora, *supra* note 1, at 316.

54. *Id.* at 287.

55. The protests, as with the earlier Dutch proposal, may consist of feminists and Western donors who will object to their "foreign aid" being used for anything other than educational measures intent on eradicating the practice, rather than bringing it within the purview of modern scientific medicine. A parallel here can be seen in the results of research that shows that the most successful birth control programs in the Third World are those which are run by University hospital outpatient clinics. Poor mothers who come for regular free pre-natal care, as they become accustomed to the "natural causality" processes of modern medicine, voluntarily seek birth control measures, giving up the premise of *supernatural causality* that had hitherto governed their still only recently urbanized rural lives. As Professor Obiora also notes, both Egypt and the Sudan have attempted this

esis that the storm of protests, or the mere indifference, with which this alternative solution will be met are themselves responses and practices made on the basis of beliefs that are no less *culturally embedded* than the approach of the circumcisors of *traditional Africa* to circumcision. We thereby reinterpret the controversy in new terms in order to argue that the dilemma cannot be solved by measures which merely set out to eradicate *one* set of culturally embedded practices. Further, this is so because, while from within the theoretical framework based on the gender issue, the solution to the dispute is seeable as being that of forcible eradication and/or criminalization of a cultural practice that can be stigmatized as genital mutilation or torture, within the quite different terms of a theoretical framework projected from what Césaire defines as the “peculiarity” of our place in the world,⁵⁶ the peculiarity of our problem (which cannot be made into a subordinate part of any other problem), the solution to the issue must be more comprehensive and far-reaching.

Given that, as women members of the intelligentsia of African hereditary descent, whether wholly or partly,⁵⁷ and therefore as members of the category that has been made into the physical referent of the non-Evolved and atavistic Human Other⁵⁸ to *Man-as-the-Evolved Self* in its second reinvented bourgeois conception—and so made to occupy a status parallel to that of the category of the *uncircumcised* in the religious cultures of traditional Neo-Agrarian Africa—then the issue with which we are confronted is necessarily an ontological and not merely a gender or even political-legal issue. And since as Marshall Sahlins notes, to each cultural ontology there corresponds a “culturally embedded” mode of rationality,⁵⁹ then the problem, as seen from our perspective of liminal alterity,⁶⁰ is necessarily that of the “culturally embedded

transitional approach. See Obiora, *supra* note 1, at 336-37. Other African Governments have taken a more Western route of declaring against female circumcision, if not vigorously prohibiting it in practice.

56. See CÉSAIRE, *supra* note 3, at 8.

57. As Legesse points out, the “native cultural model” in the United States makes a rigid distinction between Black and White. Since Black is the Lack of White, any Black admixture equals lack. One cannot be therefore biracial in this model. One is White or its Lack. See LEGESSE, *supra* note 12, at 258.

58. See PANDIAN, *supra*, note 35, at 78-84.

59. See SAHLINS, *supra* note 43, at 14.

60. In this concept, the argument is that all societies are founded on a metaphysically deviant category (i.e. as Black to the norm of White, the native Other to the norm of

nature" of *two* inscripting practices: the practices of circumcision (in *both* its female and its male forms), and the inscripting practices instituting of our present conception of the human on the purely biologized model of a natural organism on whose basis our present mode of sociogeny or of subjectivity, together with its correlated order/organization of knowledge (Foucault's episteme, Mudimbe's epistemological locus) is instituted—an inscripting practice that condemns us, and Africa as our continent of origin, to conceptual and empirical Otherness.⁶¹

I shall therefore take my point of departure from Professor Obiora's excellently argued case for a "reformist strategy,"⁶² in order to put forward the proposal of a cognitively transformative strategy (one to which I shall give the name of *The Second Emergence*) as the only strategy to be undertaken by us as an intelligentsia that can enable the solution of her reformist strategy to be "hearable." Seeing that it is only this overall strategy that can enable our conceptual escape from the dual processes of cultural embeddedness that are defining of the inscripting practices of, on the one hand, the circumcisors, and on the other, of their feminist proscribers/stigmatizers and political-legal criminalizers, Western and Westernized.

Frantz Fanon had linked his call for a new epistemological practice of a sociodiagnostic able to go beyond the limits of psychology and psychiatry to the thrust to emancipate us as humans from our culture-systemically induced "aberrations of affect," and thereby to "set man free."⁶³ The argument for such an emancipatory move was also put in the following terms by Michel Foucault in 1971:

What I am trying to do is grasp the implicit systems which *determine our most familiar behavior without our knowing it*. I am trying to *find their origin, to show their formation, the constraint they impose upon us*; I am there-

Man) and that it is from this perspective alone that the order can be seen *outside* the terms of what counts as *true* for the order, and therefore of its ideology. See LEGESSE, *supra* note 12, at 114-15, 248-49, 271.

61. See ZYGMUNT BAUMAN, MODERNITY AND THE HOLOCAUST 39-41 (1989) (exploring the concept of "conceptual otherness" as it functions with regard to, among others, Jews and witches).

62. Obiora, *supra* note 1, at 287.

63. FANON, *supra* note 47, at 8-9.

fore trying to place myself at a distance from them and to show *how one could escape*.⁶⁴

The following section of my response will therefore place its primary focus on the most telling section of Professor Obiora's paper, the section that she entitles, *In Quest of Lost Origins*. If the question that confronts us is that of *the why* of *circumcision* (a question that seeks an answer outside what she incisively shows to be the ideological terms of Feminism's thesis of "patriarchy" and "male sexual control"), Professor Obiora's proposal is that the answer can only be found in the context of a return to the hitherto lost origins of the traditional cultures of Africa in whose quite different "framework of rationality" the logic and necessity of the ritual practices of female circumcision had led to their adoption. I shall expand upon her call for the quest of the lost origins of the practice of female circumcision, and propose that both the origins of the *why* of this practice, as well as of the *why* of the Western cultural practices of stigmatization and criminalization (which define these practices as "genital mutilation" and "torture" and thereby as practices defined by their ostensibly *inhuman Otherness*), are to be found only in the context of a parallel quest for another and even more centrally lost origin—that of the human itself, as an origin I have defined elsewhere as the Third Event.⁶⁵

II. RETHINKING ORIGINS: FROM AFRICA, THE INVENTION OF THE HUMAN AND THE CIRCUMCISED/UNCIRCUMCISED LINE TO RENAISSANCE EUROPE, THE INVENTION OF MAN AND THE COLOR LINE, FROM PHYSIOLOGICAL TO PHYSIOGNOMIC SIGNIFICATION

In a sense, female circumcision constitutes the bodily inscription of cultural codes. It may well be that the ritualized marking of the genitalia is not so much about

64. J. Simon, *A Conversation with Michel Foucault*, 2 PARTISAN REV. 201 (1971) (emphasis added).

65. See Sylvia Wynter, *Conclusion: Restructuring the Social Sciences*, in OPEN THE SOCIAL SCIENCES: REPORT OF THE GULBENKIAN COMMISSION ON THE RESTRUCTURING OF THE SOCIAL SCIENCES 94 (V.Y. Mudimbe ed., 1996).

The concept of human origins in the Third Event enables us to put forward an alternative origin to that proposed by Feminist ideology/hermeneutics for which "[f]emale circumcision has evolved from early times in primitive communities desirous of establishing control over the sexual behavior of women." See OLAYINKA KOSO-THOMAS, THE CIRCUMCISION OF WOMEN 15 (1987).

gendered identity and counter-politics as it is about natalist symbolism. The confluence of natalist ideology and the celebration of "lifecycle" in the practice is refracted by a variety of cosmological orientations that have largely proven impenetrable for Western critical consensus.

L. Amede Obiora⁶⁶

Historical time could well be interpreted in terms of something like a racial longue durée: for has there not been an immense historical rupture represented by the rise of Europe, the onset of African enslavement, the conquista, and the subjugation of much of Asia? I take the point of much poststructural scholarship on these matters to be quite precisely an effort to explain "Western" or colonial time as a huge project demarcating human "difference," or more globally as Todorov, say, would argue, of framing partial collective identities in terms of externalized "others." Just as, for example, the writers of the Annales school sought to locate the deep logic of historical time in the means by which material life was produced—diet, shoes, and so on—so we might usefully think of a racial longue durée in which the slow inscription of phenotypical signification took place upon the human body, in and through conquest and enslavement, to be sure, but also as an enormous act of expression, of narration.

In short, just as the noise of the big bang still resonates through the universe, so the overdetermined construction of world "civilization" as a product of the rise of Europe and the subjugation of the rest of us still defines the race concept.

Howard Winant⁶⁷

I coined the term The Third Event on the basis of the hypothesis put forward by Ilya Prigogine, the 1977 Nobel Laureate in chemistry. This hypothesis was that the universe in which we live is a dual one whose description involves both laws and events. While *laws* imply continuous unfolding, deterministic predictions, the negation of time, *events*, on the other hand, involve discontinu-

66. Obiora, *supra* note 1, at 357 n. 445.

67. HOWARD WINANT, *THE RACIAL CONDITION: POLITICS, THEORY, COMPARISONS* 21 (1994) (footnotes omitted).

ity, ruptures, change, and an arrow of time. Prigogine gave as examples of Events, "the birth of our universe and the emergence of (biological) life."⁶⁸ My proposal was that, added to these two, there was a Third Event. This event was that of the *origin of specifically human life*. Human life, therefore, rather than being defined in a relation of *pure continuity* with biological life (which is the founding premise of our contemporary culture and its conception of the human, *Man*, on the model of a purely natural organism), is re-defined as having come into existence *only on* the basis of the rupture and *discontinuity* which it effected with the genetic programs, or codes, that motivate and orient the eusocial, and therefore aggregating, behaviors of all forms of purely biological life. This Event was therefore that of the rupture by means of which, having evolved its unique capacity for the use of language, this form of life crossed a threshold after which it would come to motivate and orient its behaviors through the mediation of the Word.

As the anthropologist Peter Wilson points out:

From an evolutionary point of view humans are one among a number of species composing *Homo*, which in turn must ultimately be recognized as a constituent of the order Primates. Since we know that *Homo* is an evolved member of the order and that it emerged comparatively recently, we are in a position to assert that human culture emerged and began its development at some point in time; that is, at one period there was no human species, hence no culture, while at a later point there was. We may also state that within the order Primates, this one genus has developed culture, whereas all other members of the order have not.⁶⁹

What then, he further asks, were the conditions that had made it possible "for one primate genus to develop culture at a certain period of time, namely the Plio-Pleistocene era, in what is now Africa?"⁷⁰ And why is this most important question "not yet

68. Ilya Prigogine, *Foreword* to PETER COVENEY & ROGER HIGHFIELD, *THE ARROW THROUGH TIME: A VOYAGE THROUGH SCIENCE TO SOLVE TIME'S GREAT MYSTERY* 16 (1990).

69. PETER J. WILSON, *MAN, THE PROMISING PRIMATE: THE CONDITIONS OF HUMAN EVOLUTION* 1 (1983).

70. *Id.* at 2.

asked, let alone answered, in the study of human evolution?"⁷¹ Here a proposal, put forward by the Italian philosopher Ernesto Grassi, both provides us with an answer to the first question, and enables us to see why, within the terms of our contemporary culture's conception of the human, not only must the specific origins of the human in the Third Event be "lost," but the original rationality of the practices of male and female circumcision, as bodily inscriptions of cultural codings that bear witness to the reality of the Third Event, must be necessarily non-seeable.⁷²

Grassi proposed that human forms of life came into existence by means of the rupture that they effected with the biological codes that motivated the species-specific behaviors of all forms of organic life, including that of all other primates. This occurred at a time, and in an overall context, when these codes, and the genetic programs to which they give rise, had come to prove *insufficient* with respect to the new behaviors that the evolutionary pathway that the human species had followed now called for.⁷³ It was this pathway, however, that had itself led to the evolution of the species' unique capacity for language, one that made it possible for human behaviors to be oriented by a new governing code. This new code, one both inscribed and guarded by the Sacred Logos of religion, was now to function so as to necessitate specific behaviors on the part of each order's subjects; and to do this *no less lawlike than genetic codes* do in the case of the eusocial orders of purely organic species. In consequence, where the genetically ordered codes that motivate the behaviors of the latter members of each such order compulsorily *necessitate* the repertoire of behaviors specific to each such species, this was no less so in the case of the behavior directive signs to which the new verbal codes, once absolutized in the founding narrative of each order's religious system, gave rise.

Where, therefore, the genetically programmed signs, in the case of purely organic species, "govern, direct, command, and necessitate the living creature" to "certain actions that are always identical" because they are appropriate to its species' being and to its realization as such a mode of life; so too the code, or Word, spe-

71. *Id.*

72. See ERNESTO GRASSI, RHETORIC AS PHILOSOPHY: THE HUMANIST TRADITION 110 (1980).

73. See *id.* at 109-11.

cific to each religious creed, from that of the Dogon peoples⁷⁴ to our Judaeo-Christian own, will also govern, direct, command, and thereby *necessitate* the subject of each creed, and its Word, to actions that are always identical because appropriate to its creedal mode of *being human*. While the genetic program of the biological code and the cultural program of the verbal-religious code function in the same manner, because of the *insufficiency* of the genetic program to motivate the new modality of behaviors now needed by this one species the insufficiency will lead to the need for *the origin of a new "code"*—the human code. While with the entry of the latter, and with it, the phenomenon of human spirituality (of human consciousness),⁷⁵ life itself, from here on, as Grassi points out, will now receive "a *completely different meaning*" from that of the biological world.⁷⁶

Given the nature of the dimension of change that the entry of this code was to effect, Grassi then points out, the question with which we are confronted is this: How exactly is this new code structured? The answer, one that leads us back to the "lost origins" of the Third Event, is itself linked to the definition of the exact nature of the *insufficiency* that had impelled the rupture with the genetic code, and the emergence of a new governing code that was now to be inscribed in programs elaborated by religious systems—by their ritual practices, orthodox orders of knowledge, art, music, dance, oral and written narratives, oral and written poetry, drama, and festivals. As codes, too, that were to be centrally inscribed on the body by means of religiously ordained practices. One such practice being male and female circumcision, which made use of the *physiological* difference of the sexes, on which to inscribe its coded conception of being in the terms of the *circumcised* as true being and the *uncircumcised* as non-being. Another, in the terms of the religio-cultural system of Judaeo-Christianity, inscribed in its matrix religious form, on the baptized body as *being* and the non-baptized body as *non-being*. With the wake of the Renaissance revolution of humanism, its invention of *Man*, and

74. See MARCEL GRIAULE, *CONVERSATIONS WITH OGOTEMMÉLI: AN INTRODUCTION TO DOGON RELIGIOUS IDEAS* (1970) (providing an account of Dogon religious beliefs received by Griaule from one of the wise men, or seers, of the Dogon people).

75. See Sylvia Wynter, *But What Does "Wonder" Do? Meanings, Canons, Too? On Literary Texts, Cultural Contexts, and What it's Like to be One/Not One of Us*, 4 *STAN. HUMAN. REV.* 124 (Spring 1994).

76. GRASSI, *supra* note 72, at 110 (emphasis added).

epochal detaching of being from the sacred Logos, in effect its degodding of being, the inscripting practices of a new era, to which Winant gives the name of the "racial *longue durée*,"⁷⁷ emerged. It was in this era, in its secularizing context, that the differences between human hereditary variations were to be made use of in order to inscribe a new mode of *physiognomic/phenotypical signification*; one first identified by DuBois as the Color Line,⁷⁸ and as drawn in post-eighteenth century terms between the true being of *Man* as the Evolved Self, and the non-being of its "native," and most extremely, *nigger*, Human Others.

III. FROM CIRCUMCISION TO THE FACIAL ANGLE: DIFFERING CULTURES, DIFFERING TECHNOLOGIES OF THE BODY

The very act that one may construe as cruel and violative of Article 5 may be embraced in cultures where it is practiced as a "technology of the body" that is integral to a scaffolding network of equilibrating social values.

L. Amede Obiora⁷⁹

The Enlightenment was also characterized by a radical attempt to define man's place in nature. Nature and the classics were thought vital for a new understanding of man's position in God's universe and were therefore taken as setting new standards of virtue and beauty. . . .

The beginning of the new science of anthropology during the second half of the century was based upon the attempt to determine man's exact place in nature through observation, measurements, and comparisons between groups of men and animals. . . .

But these observations, measurements, and comparisons that were basic to the new eighteenth-century sciences were combined with value judgments following aesthetic criteria derived from ancient Greece. . . . Whatever the physical measurements or comparisons made, in the last resort the resemblance to ancient beauty and proportions determined the value of man. . . .

77. See WINANT, *supra* note 67 and accompanying text.

78. See W.E.B. DUBOIS, *THE SOULS OF BLACK FOLK* 13 (1990).

79. Obiora, *supra* note 1, at 277.

. . . .
From the eighteenth century onwards, however, the ideal-type and counter-type would not vary much for the next century and a half, nor would it matter fundamentally whether the inferior race was black or Jewish.

George L. Mosse⁸⁰

The facial angle was the most extensively elaborated and artlessly abused criterion for racial somatology. To compare the races, Petrus Camper (1722-1789) had suggested the facial angle. Basically it was a "horizontal line . . . drawn through the lower part of the nose . . . and the orifice of the ear." The angle formed by this horizontal line and the characteristic line of the face made up the facial angle. Using this index, Camper arranged the forms of crania. "The two extremities . . . of the facial line are from 70 to 100 degrees," he wrote, "from the negro to the Grecian antique; make it under 70, and you describe an orang or an ape; lessen it still more, and you have the head of a dog."

John S. Haller, Jr.⁸¹

Several scholars have identified the nature of the insufficiency that led to the Third Event. They point out that although humans live, like the social insects, in complex social orders, they are not, like the former, programmed to display the kind of inter-altruistic behaviors to their conspecifics that enable insect castes, for example, to give up their own chance at reproduction for the overall good of the hive. While the social insects are able to display this advanced degree of altruism because of the high ratio of the degrees of their genetic similarity with their peers (and which enables the sterile castes to give up their reproductive goal, given that their sibling will be passing along copies of their own genes),⁸² this is not the case for humans. Rather, given the quite different evolutionary pathway defined by high degrees of individuality and com-

80. GEORGE L. MOSSE, *TOWARD THE FINAL SOLUTION: A HISTORY OF EUROPEAN RACISM* 2 & 12 (1985) (emphasis added).

81. JOHN S. HALLER, JR., *OUTCASTS FROM EVOLUTION: SCIENTIFIC ATTITUDES OF RACIAL INFERIORITY, 1859-1900*, at 9 (1971) (quoting Petrus Camper).

82. See ROBERT WRIGHT, *THREE SCIENTISTS AND THEIR GODS: LOOKING FOR MEANING IN AN AGE OF INFORMATION* 130-36 (1988).

petitiveness followed by humans, as by all primates, to that of the insects, there are no reasons on genetic grounds why the former should live in complex societies which parallel and go beyond those of the social insects.⁸³ The new grounds, would, therefore, have to be ones provided by language, in the form of governing codes, that could enable the invention of the specifically human form of eusociality, to which anthropologists give the name *symbolic kinship*; and which takes the place of the high degrees of genetic conspecificity determinant of the eusocial behaviors of non-human species, by means of its invention of *cultural* bonds. The linguist Philip Lieberman first emphasizes the uniqueness of the bio-evolutionary pathway that led to the emergence of human language as the primary mechanism in the non-genetic motivation of behavior,⁸⁴ then points to the imperative role that this mechanism

83. See *id.* at 149-50.

84. PHILIP LIEBERMAN, *UNIQUELY HUMAN: THE EVOLUTION OF SPEECH, THOUGHT AND SELFLESS BEHAVIOR* (1991). The elaboration of this unifying identity, which was to reconcile the North and the South, as well as integrate incoming European immigrants in the post slavery era, depended on, literally, the racial "excision" of the Black American population group. The practices of segregation and lynching were inscribing on others rather than on the Self as in circumcision. It is often forgotten that under slavery, the *legal* differentiation between *slave* and *free* made black and white into subsidiary definitions. After the legal abolition, however, the hierarchy between the two groups had to be redefined in explicitly racial terms in which the condition of being *white* took the place of the earlier condition of being *free*. The post-slavery Euro-American could only experience him/herself as "white" and as such as normatively, rather than *legally* free, if the Black American population were "excised." While this was done by Jim Crow legal measures and "eugenic" scholarship, it was also effected physically by ritual acts of lynching. See RALPH GINZBURG, *100 YEARS OF LYNCHINGS* 10-11 (1988). Ginzburg provides a reprint of a report of a lynching that took place in the 1890s:

Sam Holt the negro . . . was burned at the stake one mile and a quarter from Newnan, Ga., Sunday afternoon, July 23, at 2:30 o'clock. Fully 2,000 people surrounded the small sapling to which he was fastened and watched the flames eat away his flesh, saw his body mutilated by knives and witnessed the contortions of his body in his extreme agony. . . .

. . . .
A few smouldering [sic] ashes scattered about the place, a blackened stake, are all that was left to tell the story. Not even the bones of the negro were left in peace, but were eagerly snatched by a crowd of people drawn from all directions, who almost fought over the burning body of the man, carving it with their knives and seeking souvenirs of the occurrence. . . .

. . . .
Masks played no part of the lynching. There was no secrecy; no effort to prevent anyone seeing who lighted the fire, who cut off the ears or who took the head. On the trunk of a tree nearby was pinned the following placard: 'We Must Protect Our Southern Women.'

would be called upon to play in the instituting of human modes of eusociality; in the invention, therefore, of the modes of artificial group egoism (or of symbolic kinship) defining of the human "we."⁸⁵

While, as Lieberman points out, the behaviors of purely organic forms of life, including those altruistic or selfless behaviors essential to their modes of eusociality, are *genetically* regulated, our human behaviors are instead *dually* regulated.⁸⁶ At one level, our own animal type mode of altruism is activated, like that of all organic species, *only in response* to the imperative of helping the narrow circle of those who can transmit similar copies of our genes to future generations. At the second level, however, we behave in response to the more "generalized modes of altruism" that are induced by our symbolically coded, and therefore cultural, programs, together with the specific moral-ethical imperatives that these programs put into play. At this level, Lieberman then suggests, the imperative to which we respond is that of helping those with whom we are *linguagingly* (and therefore *narratively*) co-identified, through the mediation of each such program, their founding narratives, tropes of figuration and the symbolically coded order of consciousness to which they give rise; those, therefore, whom we come to recognize as our symbolic kin on the basis of the "fake" (e.g., non-genetic modes of *similarity*, as in the case of *whiteness* for the USA) that it makes possible.⁸⁷ Such generalized altruistic behaviors would therefore have to be *motivated* by means of new institutional mechanisms, such as those of the inscribing practices of circumcision by means of which the biological identities of "male" and "female" would come to be transformed into the eusocial or symbolic identity of "husband," "wife," "father," "mother."

The process by which biological identities were to be transformed into social ones (such as *male* transformed into *father* and *female* into *mother*), had however been prepared for, as the anthropologist Peter Wilson points out, by a process of non-specialized generalization specific to the species, not only with respect to diet,

Id.

85. See LIEBERMAN, *supra* note 84.

86. See *id.* at 149-72.

87. See *id.* at 164-71.

but also with respect to sexual behaviors.⁸⁸ Hence, the loss of estrus (e.g., of specific periods when *non-human* primate females are sexually receptive) led to human females being receptive at all times, so that human males came to “maintain a continuous interest in females, . . . [engaging] with them in intercourse at any time.”⁸⁹ As a result, while “the relationship between man and woman among humans is essentially defined by sexual activity,” among non-human primates, the relations between the sexes *are not founded on sexual behavior* at all, given that they come together only periodically when females come into estrus.⁹⁰ Consequently, relationships between individuals are “based on primary bonding, on relations of dominance and subordination, on attention, and on proximity derived from territoriality.”⁹¹

In the case of humans, two fundamental relationships provide the biological condition for the later Event of the invention of symbolic kinship, by means of transformation of the biological identities *male/female* into the cultural identities of *husband/wife, father/mother*. These are the primary attachment between an adult female and her infant (which is a lengthy bond, “relative to its counterpart among non-human primates”⁹²), as well as the bond of sexual attraction between adult male and female, which alone makes possible the continuity of bonding that is absent among non-human primates. These two bonds, when brought together are then able “to produce the possibility of a third relationship—that *between adult male and infant*.”⁹³ While it is *this third relation* that will be imperatively linked to the emergence of the phenomenon of culture, and with it, Grassi’s governing code,⁹⁴ together with the institution of *initiation*, founding to traditional African societies, or in Lucien Scubla’s terms, of symbolic birth,⁹⁵ in Fanon’s, of sociogeny.⁹⁶

88. See WILSON, *supra* note 69, at 54-55.

89. *Id.* at 56.

90. *Id.* at 56.

91. *Id.* at 57-58.

92. *Id.* at 58.

93. See WILSON, *supra* note 69, at 59 (emphasis added).

94. See GRASSI, *supra* notes 72-73 and accompanying text.

95. See Lucien Scubla, *Contribution à la Théorie du Sacrifice*, in RENÉ GIRARD ET LE PROBLÈME DU MAL 103 (Michel Deguy & Jean-Pierre Dupuy eds., 1982).

96. See FANON, *supra* note 47 and accompanying text.

As stated by Wilson:

This third relationship differs from the other two in that it is mediate, *the product of the conjunction of the other two*, which are immediately generated by the biological conditions of reproduction, nurture, and attraction. The relationship between an adult male and infant is possible *only through their common connection with the adult female. The relation is premised not on the biological role of the male in the conception of the infant but only on the continuity of his relation to the female*, which must be sufficient to overlap with her involvement in the primary bond.⁹⁷

“Paternity” therefore is always *cultural*. What is called the Law of the Father, is everywhere the *law of the code*, one to which *fathers are subordinated no less than mothers, men no less than women, ruling elites no less than the ruled*. In consequence, it is the emergence of the *symbolic father relationship* which marks the capacity of humans to move beyond the limits of their animal-type mode of eusociality, and to institute human societies formed on the basis of their now symbolically coded modes of eusociality, by the instituting of a connection in which the “adult male, female, and young *are related* together according to *principles independent of sex linkage, sex difference, and generation difference*” as the principle of organization on whose basis the interrelationship of all other primate species is founded.⁹⁸

Wilson continues:

[If] *relations between individuals do not have to depend on biological determinism, they can become generalized. . . .* The relations between any two individuals can be continued indefinitely by linking *through the common member(s)*. The extension of the primary bond and the lengthening of the pair bond lead to a junction that is the elementary basis for a *generalized social organization typical of the human species. For it is only then that kinship is possible*, and with kinship we have the *most flexible, generalized, and*

97. WILSON, *supra* note 69, at 59-60 (emphasis added).

98. *Id.* at 60 (emphasis added).

adaptable principle of group organization in the primate order.⁹⁹

This principle not only "provides the species with the means to organize groups of any (or almost any) size, from a minimal nuclear family to a maximal tribe, and according to any one of the number of possible specific forms," but from the *psychological* point of view, the "genesis of kinship engages the male in the entire process of reproduction and nurturance *directly*."¹⁰⁰ Because the adult male is retained in the *reproductive/nurturance cycle*, through his reinvention as father, the "specialized primate adaptations, which *depend on the division and specialization of the sexes* and lead to the organization of groups according to separate principles, *are overcome*."¹⁰¹ In effect, the "reasons on genetic grounds" that lead to the processes of eusociality of the social insects are replaced, in the case of humans, by reasons that are now hybridly *genetic* and *verbal, bios* and *logos*, as by reasons of the code or culture that alone enables the instinctual desire of the male to realize himself in terms of *maleness*, to be transferred through processes of socialization to the desire to realize *himself* in the terms of *his* symbolic identity, as "father."

For this to happen however, an equally important transformation must also take place in the case of the female: a transformation by means of which the dyadic relation of the *female/infant* primary attachment becomes that of *mother* to *child* as now mediated through her relation as *wife* to husband. It is through this new social relation alone that the "male" can be transformed into *father*, and can thereby be brought into a continuous relation with the child.

Wilson continues:

I argue that human kinship is made possible with the transformation of the adult male into the father

The initial link between father and child is created by passing to the child the male's relationship with the female, thus establishing the general principal [sic] that relationships may be transmitted. . . . [I] want to emphasize—and will therefore repeat—that the 'invention' of the father is

99. *Id.* at 60-61 (emphasis added).

100. *Id.* at 61.

101. *Id.*

of necessity founded *not on the biological* facts of paternity *but on the relation of a male to a female and on her relation to her offspring. The term 'father,' as a kinship term, is best understood as meaning 'mother's mate/husband,' a definition found in many kinship terminologies. It is a cultural relationship, a derived relationship. It can be formed only if (1) a male exists in a pair relationship with a female and (2) that female has offspring.*¹⁰²

The invention of the *male as father* is therefore inseparable from the invention of the *female/infant* relationship, in the new terms of a *cultural relationship*, with both therefore being inseparable from the invention of the mode of eusociality defining of human forms of life, and *from the institutional invention of the human as a third level of sociogenetic or hybridly bioslogos being*. It is here, therefore, in the "broader context" of the origins of the institutional processes by which *being human* is culturally constructed as the condition of securing its new and unique mode of *symbolically*, in the place of the *genetically* coded modes of eusociality of organic species, that the "lost origins" and "framework of rationality" of female and male circumcision as bodily inscription of cultural codes, is to be found. For, as Wilson further argues, while it is one thing to specify the pre-cultural *biological* conditions of kinship, it is quite another to specify the means by which "kinship" is translated "from an inert possibility into a reality."¹⁰³ The question, therefore, of the conditioning technologies by means of which the *male*, is induced to experience itself as an *himself*, e.g., *father/husband* and the *female* as an *herself*, e.g., *mother-wife*. It is this new verbally structured phenomenological self-conception, and with it, the emergence of consciousness as a phenomenon governed by new fundamental psychophysical laws,¹⁰⁴ the laws in Fanonian terms, of sociogeny, that is itself instituting of human society. Man, Hobbes insisted, was the "maker and orderer of his commonwealth."¹⁰⁵ As Giambattista Vico proposed in the eighteenth century, this is done in all human orders,

102. *Id.* at 64-65 (emphasis added).

103. *Id.* at 67.

104. See David J. Chalmers, *The Puzzle of Conscious Experience*, SCI. AM., Dec. 1995, at 80.

105. THOMAS HOBBS, *LEVIATHAN* 212 (J.C.A. Gaskin ed., 1996).

according to the same fundamental rules¹⁰⁶ of, so to speak, the autopoiesis¹⁰⁷ of human being/being human.

Wilson proposes here that these founding rules should be identifiable as ones indispensably related to "sexual intercourse" as "*the* behavioral act that defines the relation between the sexes" for the human species.¹⁰⁸ For it is because continuous sexual activity in humans (unlike other primates where it is temporally specialized) is *the* defining feature of the relation between the sexes, that makes "*control and definition of sex necessary if intercourse is to take place and lead particular individuals into pair bonds.*"¹⁰⁹ This is why, therefore, the rules/codes instituting of human society on non-genetic grounds are necessarily located here.

Wilson concludes:

If sex is the foundation of relations between males and females in general, then any actual relationship cannot be founded on uncontrolled sexual activity. *Real relations between real individuals have to be determined by regulation or definition, which in turn makes possible the formation of specific social organizations.* Since there can be no built-in, instinctive mechanism for the purpose (if there were, then sex would be specialized), regulation has to be contrived and implemented by individuals among themselves. The human populations of the species must make themselves the object of their own thoughts and subject to their own, humanly devised, procedures.¹¹⁰

106. See GIAMBATTISTA VICO, *THE NEW SCIENCE OF GIAMBATTISTA VICO* (Thomas Goddard Bergin & Max Harold Fisch trans. from the 3d ed., Cornell Univ. Press 1948).

107. I have adopted this concept from Maturana and Varela. See HUMBERTO R. MATURANA & FRANCISCO J. VARELA, *AUTOPOIESIS AND COGNITION: THE REALIZATION OF THE LIVING* 42 (1980).

108. See WILSON, *supra* note 69, at 67 (emphasis added).

109. *Id.* at 68.

110. *Id.* at 68-69 (emphasis added).

IV. "MAKING OURSELVES SUBJECT" TO OUR *DEvised* PROCEDURES: THE FIRST EMERGENCE AND LAWS OF CULTURE FROM MALE/FEMALE CIRCUMCISION TO RACIAL "EXCISION," AND THE INVENTION OF "MAN"

In communities that perform circumcision as an integral element of the rites of passage, one is not simply born a "woman." One becomes a respected person and an integrated female only after implementing the socially designated course to dignity and status. Initiates are removed from the common mass of humanity by a rite of separation that includes some form of circumcision. This rite automatically incorporates the initiate into a discrete community and facilitates adjustment into the necessary status and role. . . . [I]nitiates spend months in seclusion being instructed on the cultural secrets of successful motherhood, living, and traditional medicine.

L. Amede Obiora¹¹¹

Possessing the Secret of Joy is the story of Tashi, a tribal African woman who lives much of her adult life in North America. As a young woman, a misguided loyalty to the customs of her people led her to voluntarily submit to the tsunga's knife and be genitally mutilated (pharaonically circumcised). Severely traumatized by this experience, she spends the rest of her life battling madness

It is only with the help of the most unlikely ally she can imagine that she begins to study the mythological "reasons" invented by her ancient ancestors for what was done to her and to millions of other women and girls over thousands of years.

Alice Walker¹¹²

Regardless of how the scientists present them, accounts of human origins are read as replacement materials for genesis. They fulfil needs that are reflected in the fact that all societies have in their culture some form of origin

111. Obiora, *supra* note 1, at 295-96 (footnotes omitted).

112. WALKER, *supra* note 14, book jacket.

beliefs, that is, some narrative or configurational notion of how the world and humanity began. Usually, these beliefs do more than cope with curiosity, they have allegorical content, and they convey values, ethics and attitudes. The Adam and Eve creation story of the Bible is simply one of a wide variety of such poetic formulations.

We are conscious of a great change in all this, starting in the eighteenth and nineteenth centuries. The scientific movement which culminated in Darwin's compelling formulation of evolution as a mode of origin, seemed to sweep away earlier beliefs and relegate them to the realm of myth and legend. Following on from this, it is often supposed that the myths have been replaced by something quite different, which we call "science." However, this is only partly true; scientific theories and information about human origins have been slotted into the same old places in our minds and our cultures that used to be occupied by the myths.

Glynn L.L. Isaac¹¹³

Darwin had shown that human society and biological nature were one. Society must therefore be ruled by the same laws of competition, conflict and aggression. Nations must fight to survive as organisms did or perish.

If Germany was, as Haeckel thought, a superior culture, it could only remain superior by ensuring . . . [its] racial purity . . . Haeckel felt that racial differences were fundamental, there being greater differences between Germans and Hottentots than between sheep and goats.

James Burke¹¹⁴

What I have defined in my title as the *aculturalism* of feminist/Western thought stems from the premise (which founding to its present techno-industrial culture, is directly opposed to that of the Neo-Agrarian thought of traditional Africa), that the human is a purely biological being that exists in a relation of continuity with organic life, and whose origins are sited in the Second Event, in the emergence of biological life, rather than in the Third Event.

113. Glynn L.L. Isaac, *Aspects of Human Evolution*, in *EVOLUTION FROM MOLECULES TO MEN* 509, 509 (D.S. Bendall ed., 1983).

114. JAMES BURKE, *THE DAY THE UNIVERSE CHANGED* 264 (1995).

That is, of what I hold to be the veridical fact of the emergence of human life having taken place simultaneously with the phenomenon of culture, and the narratively inscribed governing codes of symbolic *life* (the only life that, as Peter Winch pointed out, humans live¹¹⁵) and symbolic *death*: whether that signified by the line drawn between the *circumcised* and the *uncircumcised*, or, as in our contemporary order, by the line drawn between *White/non-White/Black*, at the level of the ontological, and, at the level of the economic between Rich/Poor, the breadwinning *jobholders*, as well as the non-breadwinning *jobless*, and, at a world systemic level, between “developed/underdeveloped.”¹¹⁶ While, in the United States, this being/non-being line is drawn between middle class status (which as the signifier of symbolic life is prescriptively *White*) and being *Black* as the excised signifier (even where middle class) of symbolic *death*, within the terms of our contemporary culture and its founding cosmogony or origin narrative of Evolution.

My further proposal here is that it is only within the biologized terms of this culture, as one in which the bourgeois (or *middle class*) *idiom* has reoccupied the place of what Wilson identified as the “male idiom,” whose dominance had been indispensable to the institution of human forms of life, and to human social organization in general, that the practice of “female circumcision” is seeable either as “genital mutilation,” “torture,” or, in Mary Daly’s “radical feminist” terms, as an institution put in place because of male “hatred of the clitoris” and made *impure* “because it does not serve male purposes” since it “has no necessary function in reproduction,” with women being tightened up and “deprived of their own sexuality” only to further “their masters’ pleasure.”¹¹⁷ It is also only in the terms of this culture and its evolutionist cosmogony that Alice Walker can interpret the Origin Narrative of the Dogon peoples, in her anti-circumcision novel *Possessing the Secret of Joy*, in the terms of a Daly-type feminist hermeneutics,¹¹⁸ one in which the “mythological reasons” invented by “her ancient

115. See Peter Winch, *Understanding a Primitive Society*, 1 AM. PHIL. Q. 307 (1964).

116. See, e.g., Sylvia Wynter, *Is ‘Development’ a Purely Empirical Concept or also Teleological?: A Perspective from ‘We the Underdeveloped,’* in PROSPECTS FOR RECOVERY AND SUSTAINABLE DEVELOPMENT IN AFRICA 299 (Aguibou Y. Yansané ed., 1996).

117. See MARY DALY, GYN/ECOLOGY: THE METAETHICS OF RADICAL FEMINISM 159-60 (1978). Daly heads this chapter, “African Genital Mutilation: The Unspeakable Atrocities.”

118. See WALKER, *supra* note 14.

ancestors" had had as a primary goal the deprivation of "women and girls" of their capacity for "sexual pleasure."¹¹⁹ In effect, it is only within the terms of the "mythological reasons," invented by a group of European thinkers towards the end of the eighteenth century, centrally Malthus, Darwin, Herbert Spencer, as well as Darwin's German disciple Ernst Haeckel,¹²⁰ that the cosmogony or origin narrative of the Judaeo-Christian Genesis could be replaced in our minds by the new origin narrative of Evolution: one through the mediation of whose tropes of figuration and governing code of the Color Line, mapped onto the physiognomic difference of human hereditary variations, we would be socialized into experiencing ourselves in a specific modality. This modality was, is, that of being both biological beings and *homo oeconomicus*,¹²¹ for whom human fulfillment would come to equal, on the one hand, the experience of sexual pleasure, and on the other, the realizing of the American Dream of higher and higher material standards of living, and therefore of being.

As the book jacket on Walker's novel suggests, origin myths do have consequences.¹²² These consequences, are as Glynn Isaac shows, nothing less than the bringing into being of the mechanisms and processes instituting of human societies.¹²³ If, central to these had been the invention of the founding cosmogonies or origin narratives, out of whose plotline and tropes of figuration our "orders" are born, and their role allocations, socio-symbolic hierarchies, and divisions of labor both prescribed and legitimated, then the laws governing their invention would remain the same, from the origin narrative of the Dogon peoples of traditional Africa, which Walker cites in her novel,¹²⁴ to the origin myth and cos-

119. *Id.*

120. See ERNST HAECKEL, *THE EVOLUTION OF MAN: A POPULAR SCIENTIFIC STUDY* (Joseph McCabe trans., 1910). Haeckel believed in the philosophy of *monism* which puts forward the hypothesis of a pure relation of continuity between human and non-human life. Rather than a discontinuity, for Haeckel, between the human and all other primates, the discontinuity is between the evolved races and the non-evolved, most ultimately peoples of Black African descent. See *id.*

121. This was the second conception of the optimal being of Man; the earlier pre-industrial conception was that of *Man* as *political citizen*. See J.G.A. Pocock, *Civic Humanism and Its Role in Anglo-American Thought*, in *POLITICS, LANGUAGE, AND TIME: ESSAYS ON POLITICAL THOUGHT AND HISTORY* 80, 85-87 (1989).

122. See WALKER, *supra* note 14, book jacket.

123. See Isaac, *supra* note 113.

124. See WALKER, *supra* note 14.

mogony of Evolution put in place in the wake of the half-scientific, half-ideological cognitive breakthrough of Darwin's *Origin of the Species*,¹²⁵ as well as of his *The Descent of Man*.¹²⁶ It is this Origin Narrative of Evolution (as a *transumed* form of the matrix Augustinian version narrative of Genesis, of Adam's Fall and Mankind's negative legacy of Original Sin¹²⁷), whose code of Evolved/non-Evolved being is inscribed on the Color Line, that not only serves to structure, at the same time as legitimate, our contemporary world system's socio-economic hierarchies and role allocations (including that of gender). At the same time, it also serves to integrate this order, both at the level of the world system and at that of the nation states; doing so within the terms of the shared symbolically coded hegemonic order of consciousness, (or ideology in Ricoeur's use of the term¹²⁸) to which, as in the case of all origin narratives or cosmogonies, the governing code that it inscribes, gives rise.

Why these narratives? As Campbell points out, the human was to override, by processes of cultural conditioning, its genetically determined modes of primate competitiveness and its animal type mode of instinctual and narrow kinship only by means of the schema of "sin and temptation in the folk morality that our religious traditions provide."¹²⁹ It was only by means of these narratively encoded behavior-motivating schemata of "lack of being" and redemption into "true being" that the imperatives of the social order would enable the overriding of "the dispositional products of biological . . . evolution."¹³⁰ Like the commandments and proverbs and all forms of religious law, therefore, the founding narrative schema of each religion are social inventions, whose goals are

125. See CHARLES DARWIN, *THE ORIGIN OF THE SPECIES BY MEANS OF NATURAL SELECTION* (Avenel Books 1979) (1859).

126. CHARLES DARWIN, *THE DESCENT OF MAN AND SELECTION IN RELATION TO SEX* (Gryphon Editions 1990) (1871); see also, HANS BLUMENBERG, *THE LEGITIMACY OF THE MODERN AGE* 223-26 (Robert M. Wallace trans., 1985).

127. See PETER BROWN, *THE CULT OF THE SAINTS: ITS RISE AND FUNCTION IN LATIN CHRISTIANITY* (1981).

128. Ricoeur expands Marx's concept of ideology, and proposes that rather than "false consciousness," ideology should be seen as *the* consciousness, integrating of each human order. See Paul Ricoeur, *Ideology and Utopia as Cultural Imagination*, in *BEING HUMAN IN A TECHNOLOGICAL AGE* 107 (Donald M. Borchert & David Stewart eds., 1979).

129. See Donald T. Campbell, *On the Genetics of Altruism and the Counter-Hedonic Components in Human Culture*, 28 *J. SOC. ISSUES* 21, 32 (1972).

130. *Id.*

nothing less than that of "inculcating tendencies that are in direct opposition to the 'temptations' representing, for the most part, the dispositional tendencies produced by biological evolution."¹³¹ With "every commandment" therefore "we may reasonably hypothesize a tendency to do otherwise which runs counter to some social-systemic optimum."¹³² In consequence, as Grassi points out, the "ground" of the specifically human "situation" can be defined as one by means of which "the rise of logos, the word, is brought into play in place of the directive expression, the *phone semantike*" (e.g., of the fixed biological or genetic codes orienting of the behaviors of non-human organic species).¹³³ As they came to constitute the governing code for humans, these codes, were and are always *narratively* inscribed ones, ones which enacted each order's optimal criterion of symbolic life (Campbell's socio-systemic optimum¹³⁴), and therefore the criterion of what it is to be a "good man and woman of one's kind." As in the case of being *circumcised* or of being in our order, *White* and/or a successful middle class Breadwinner.

It is this criterion, as enacted in the binary opposed conceptions of symbolic *life* and of symbolic *death* (as the represented deviant "lack of being," and therefore stigmatized), to which the "dispositional tendencies of biological evolution" are everywhere attached, that serves to *constitute the non-genetic principle of information*,¹³⁵ and that gives rise to the always symbolically coded order of consciousness, integrating of human orders. Hence, the logic by which, in these narratively inscribed codes and their principle of information, the "idiom" of symbolic life (whether as embodied in the category of the circumcised in the terms of being *Man* and therefore of being "*White*" and/or a member of the *middle classes*¹³⁶), must be dominant if it is to ensure that *the desire*

131. *Id.*

132. *Id.*

133. GRASSI, *supra* note 72, at 108.

134. See Campbell, *supra* note 129.

135. Claude E. Shannon defines information as "a set of separate states with a basic structure of similarities and differences between them." See Chalmers *supra* note 104, at 85 (quoting Shannon).

136. The anxiety of the white working class to separate itself from the Black issue is due to the fact that it is the racial category of *whiteness* that enables him/her to lay claim to the middle class status that he/she has been denied. It is this socialized desire of being in the terms of the middle class conception of optimal being that ensures their empirical subordination to the middle classes.

for *being* is to be consistently attached to, for example, the desire for being "*father*" rather than *male*, for being *mother/wife* rather than *female*, for being *White* rather than *Black*, *middle class* rather than *working class*, a *jobholder* rather than *jobless*.

Mothers and *fathers* in their cultural identity can never be "born," but are rather "made" (and "made" by being subjected to *humanly devised* procedures, one of which was to be the six thousand year old procedure of male/female circumcision). One of the matrix institutions of this process was, as Professor Obiora points out in the case of female circumcision, that of *initiation*.¹³⁷ The function of this institution was that of enacting the ritual of symbolic birth, whose processes the ethnographer Lucien Scubla investigated as they still function among the traditional peoples of Africa.¹³⁸ Scubla's analysis shows the way in which both the ritual process of the initiation itself, and the origin narratives to which the processes are correlated, (as so to speak, "programming" languages), inscribe a fundamental distinction between the life of the *womb* (*biological life*) whose signifier is the *menstrual blood* of the woman, (and, as such, the signifier of the *biogenetic* mode of conspecificity), and *symbolic* life whose signifier is the blood of sacrifice as consecrated by religion.¹³⁹ It is through the mediation of the latter that the order itself is imagined to be "born." The signifier of *sacrificial blood* was and is therefore, a matrix image and practice founding to symbolic kinship. It is from this matrix, then, that the "blood" signifier of the practice of circumcision stems.¹⁴⁰ For, as in the case of the initiation rituals described by Scubla,¹⁴¹ it is clear that it is from the *fictive* processes of socialization, or of symbolic birth, presided over by the men in the case of the young age group males, that their new identity of symbolic being (e.g., as potential *father/husband*) will come to be experienced. In the ritual processes of the ceremony, therefore, because the category of *women* is made into the signifier of biological life, and of the narrow limits of biological kinship, as contrasted to the men, who are signified as the procreators of symbolic life, and therefore of symbolic kinship through the mediation both of the

137. See Obiora *supra* note 1, at 295.

138. See Scubla, *supra* note 95.

139. See *id.*

140. See *id.*

141. See *id.*

sacred Logos and of the image of sacrificial blood of which they are the bearers, the idiom of the dominance of the code of symbolic *life* must be adhered to. It is only by means of its systemic positive marking, both conceptually and empirically, that the code of symbolic life can override the biological dispositional tendencies.

Scubla shows in his analysis of an Amerindian Origin myth the processes by which this overriding had to be enacted. It had, and has, to be done on the basis of a rigorously prescribed system of *positivelnegative* markings, which must repeat itself at every level of the order, conceptual, affective, and organizational, with the matrix antithesis being also correlatedly inscribed in a range of origin myths.¹⁴² In the example given by Scubla, a woman attempts to poison her husband with her menstrual blood.¹⁴³ Found out, she runs away, is chased by her husband, falls and dies. A tobacco plant shoots up on the plot where her blood has spilled. The husband reaps the leaves, cures them, and shares them with his male peers. As they smoke, the smoke ascends like incense to the gods. In the myth, as in the social order, the signifiers of symbolic *life* must be *positively* marked (as will be the signifiers of being *circumcised*, of *White*, or of middle class status), while those of its Lack-of-being, of symbolic *death*, must be as systemically *negatively* marked (as are the signifiers of being *uncircumcised*, of being *non-middle class*, *non-whitelBlack* of being *jobless* and *poor*, as the lack of being of the Breadwinner). Scubla wrote:

The woman is accused of poisoning her husband with her *menstrual blood*. The myth then leads from menstrual blood which flows downwards—a *natural privilege* of women but a privilege *marked negatively*, to the *tobacco smoke* which rises upwards as the *cultural privilege* of the men which is marked positively; that is to say from the signifier of *procreation* to the signifier of *religion*.¹⁴⁴

The function of this is to ensure that one cannot *but* desire to *be*, in the terms of the conception of symbolic being that is positively marked (being *circumcised*, *White*, *middle class*) and to be aversive to its negatively marked Lack-of-being (*uncircumcised*, *Black*, *non-middle class/poor*). In consequence, where in the origin

142. See *id.* at 112-22.

143. See Scubla, *supra* note 95, at 118.

144. See *id.* at 120 (the author's translation).

myth of the Dogon peoples the state of hermaphroditism, seen as a consequence of the transgressive origin of human life, was represented as a negative Lack that had to be overcome as the condition of attaining to true being (with the prepuce of the male and the clitoris of the female, being both negatively marked as signs of this original "significant ill"), then the processes of initiation, together with the processes of male and female circumcision, can be seen to function within the terms of the same religious logic according to which the rebirth of Christian Baptism, is the first step in the redemptive processes able to free one from the "significant ill" of Original Sin, at the same time as it initiates one into the symbolic identity and kinship of being a Christian.

In this context, the religious studies scholar Girardot has pointed out that all religions represent "a system of symbolic thought and action that is 'focused on salvation' and is interpretively grounded in mythical or cosmological 'formulations of a general order of existence.'"¹⁴⁵ "To define religion in this way is not," he further argues, "to invoke an idea of salvation with a specific, once-and-for-all Christian flavor of savior, permanent eschatological redemption, or transcendental immortality."¹⁴⁶ Rather, Christianity with *its* conception of "significant ill"¹⁴⁷ (e.g., mankind's enslavement to Original Sin), should be seen as but one, and a very much later one, of these forms, at the same time as the traditional African religions, of which the practices of male and female circumcision are the expression, should be seen as one of the pristine and matrix forms.

"[F]rom a broader and more anthropological perspective," Girardot writes, "it is to say that religion as a cultural system of symbols is concerned with a means of transforming, temporally or permanently, some 'significant ill' that is seen to be part of the cosmological or existential order of human life."¹⁴⁸ What is important is that these ills all represent forms of symbolic *death*, that must be "cured" or escaped from, while it is these represented "ills" that then determine what *must be* the prescriptive behavioral

145. N. J. GIRARDOT, MYTH AND MEANING IN EARLY TAOISM: THE THEME OF CHAOS 6 (1983) (footnotes omitted).

146. *See id.*

147. *Id.*

148. *Id.* (footnote omitted).

pathways able to effect this "cure," to make the realization of full being possible.

Since it is by means of the induced desire for full being in terms of each order's governing code of symbolic life, and the acquired motivation system to which it leads, that the behaviors of generalized altruism through whose mediation genetic conspecificity is transformed into differing forms of symbolic kinship, then the institution of initiation, of which the practices of male and female circumcision were a function, can be seen as one of the earliest institutions enacting of the governing codes unique to human forms of life. Further, if as several biologists have proposed, the genetic motivation systems (GMS) that induce the *biologically appropriate* behaviors of organic life in species-specific ways, are based on the functioning of the biochemical or natural opioid reward and punishment system of the brain, then the institution of initiation, of, in effect, Scubla's symbolic birth, and Fanon's sociogeny, can be seen as functioning analogously. That is, as functioning correlatedly with the founding narrative schemata of "significant ill" and of the cure of these ills, or plan of salvation, to activate the biochemical reward and punishment system in the terms of the positive/negatively marked opposed terms that are enacting of the code: to transform, thereby, genetic being and conspecificity into symbolic being and kinship, by means of narratively prescribed and, therefore, acquired motivation systems. If further, as one of these biologists has proposed, *biologically appropriate* behaviors (those able to contribute to the well being, realization, and reproductive capacity of each organism in species specific terms), are probably rewarded by the genomic activation of the opioid *beta endorphin*, while those that can cause harm are punished by the activation of *dynorphin*,¹⁴⁹

149. See AVRAM GOLDSTEIN, ADDICTION FROM BIOLOGY TO DRUG POLICY 60 (1994). He writes:

In summary, a natural opioid system exists for signaling both reward (probably by beta-endorphin) and punishment (by dynorphins). . . . We can speculate that reward systems drive adaptive behavior in the following way. They signal "good" when food is found and eaten by a hungry animal, when water is found and drunk by a thirsty animal, when sexual activity is promised and consummated, when a threatening situation is averted. They signal "bad" when harmful behavior is engaged in or when pain is experienced. These signals become associated with the situations in which they are generated, and they are remembered. Thus, the conditioning . . . seems to represent the necessary process by which an animal learns to seek what is beneficial and avoid what is harmful.

the *culturally appropriate* behaviors defining of humans will necessarily depend upon the activation of the opposing opioid peptides,¹⁵⁰ in the terms of the *negatively* marked representation of “mere” biological life and the positively marked representation of “symbolic life.”

Following in the wake of Professor Obiora’s proposal, I have hitherto tried to indicate what must have been the “lost origins” of the human in whose “framework of rationality,” and symbolically coded order of consciousness, the ritual practices of *male* and *female* circumcision can be seen as one of the practices founding to human forms of life. For reasons of space, I have only been able to refer briefly to what also would have been, the, so to speak, “lost origins” of the West’s invention of “*Man*” and its series of Human Others (as indicated by Foucault and Pandian¹⁵¹), ones within whose “framework of rationality,” the no less cognitively closed symbolic order of consciousness, both of the Western legal and political system, and of feminists (whether Western or non-Western, Afro-American or African), would necessarily see their *stigmatization and criminalization* of the practice of female circumcision, as well as their classification of it as “genital mutilation,” as rational, and objectively, supraculturally true.

It is in this context that the seminal question posed by Professor Obiora—the issue of the feminists’ accusation against those who adhere to the ritual practice of female circumcision, that is, the question as to what constitutes the veridical consciousness that is the yardstick for determining “false consciousness,” as well as to how conditioned or falsely conscious women are distinguishable

. . . .

This delicately regulated system was perfected by evolution over millions of years to serve the survival of all species, and to let us humans experience pleasure and satisfaction *from biologically appropriate behaviors and situations of daily life.*

Id. (emphasis added).

150. See J.F. Danielli, *Altruism: The Opium of the People*, 3 J. SOC. & BIOLOGICAL STRUCTURES 87-94 (1980) (arguing that in the case of humans, it is our orders of discourse and/or of ideology that activate the biochemical reward and punishment system of the brain in culture-specific ways).

151. See MICHEL FOUCAULT, *THE ORDER OF THINGS* 360-61 (1973) (proposing that the point of view of the “norm” of a given society is the proper framework for determining whether a type of behavior is “rational”); PANDIAN, *supra* note 39 at 60-61 (giving an overview of Western anthropology’s invention of a series of *Human others* to its post-medieval secular conception of the human *man*).

from ones who are not¹⁵²—enables us to recognize that the only solution that can enable us to resolve the fundamental contradiction between two orders of consciousness and their respective conceptions of being human, will necessarily have to be based on an “intellectual mutation” able to complement and to complete the intellectual mutation that led to the rise of the natural sciences and, thereby, to the autonomy of the human cognition with respect to the processes of functioning of the non-human orders of reality;¹⁵³ to lay the basis, therefore, for the new rupture and discontinuity to which I have given the name of *The Second Emergence*.

CONCLUSION: AFTER THE HEGEMONY OF “MAN”:
TOWARDS THE SECOND EMERGENCE

[I]n fact, among all the mutations that have affected the knowledge of things and their order . . . only one, that which began a century and a half ago and is now perhaps drawing to a close, has made it possible for the figure of man to appear. And that appearance was the effect of a change in the fundamental arrangements of knowledge. As the archaeology of our thought easily shows, man is an invention of recent date. And one perhaps nearing its end.

Michel Foucault¹⁵⁴

Evidently, culture is a set of interpretive understandings and aggregate consciousness under active construction. Just as it is always practiced, it is never neutral. It integrates and incorporates inequalities. The process of hegemony occurs when the system of domination and inequality in a society becomes so culturally encoded that it comes to appear natural and inviolate.

L. Amede Obiora¹⁵⁵

152. See Obiora, *supra* note 1, at 313-18.

153. See Sylvia Wynter, *Columbus and the Poetics of the Propter Nos*, ANNALS OF SCHOLARSHIP, Spring 1991, at 251; see also FERNAND HALLYN, THE POETIC STRUCTURE OF THE WORLD: COPERNICUS AND KEPLER 9 (1990) (suggesting that an important type of scientific hypothesis is one which is formed outside of the existing framework); AMOS FUNKENSTEIN, THEOLOGY AND THE SCIENTIFIC IMAGINATION 290-99 (1986).

154. FOUCAULT, *supra* note 151, at 338-39.

155. Obiora, *supra* note 1, at 314 (footnotes omitted).

Another aspect of this basic problem of the Third World is a paradox which is not new but which has recently been growing in dimension and which has to be firmly handled. . . . Clearly these countries have to modernize themselves and bring themselves abreast of the twentieth century. This is more than a matter of economic growth, important as that is; it involves also a scientific temper and intellectual sophistication in its broadest sense. . . .

This leads me to the most striking difference among the peoples of the world today, a problem known to all of us even if the solution is not clear. The great and widening gap between the developed and the developing countries is the chief obstacle in the path of a harmonious society. While the large majority of humanity is steeped in hunger and poverty, a few live surrounded by surplus wealth. Statistics to prove this are plentiful; I shall cite only two. Six percent of the world's population consumes almost 40 percent of the basic commodities which are produced; and the disparity in per capita incomes between the countries at either end of development is 1:200. . . . [T]he main issue is clear and cannot be shirked; all men and women will have to work together so that everyone everywhere secures the basic needs. It is not just a matter of charity or even of a sense of justice; it is the obvious fact that there can be no enduring human society where a few are more well off while the many barely manage to survive. . . .

Basically a new world society is a transformation of relationships, between races, sexes, classes and peoples, and . . . given humanity's instinct for survival, and the capacity of the human intellect, there seems no reason why we should not attain . . . the society for which our universal culture calls.

Sarvepalli Gopal¹⁵⁶

156. Sarvepalli Gopal, *Images of World Society: A Third World View*, 34 INT'L SOC. SCI. J. 76-77 (1982).

*Beside phylogeny and ontogeny stands sociogeny.*Frantz Fanon¹⁵⁷

If, as Fanon proposed, as humans we are always already socialized subjects,¹⁵⁸ with the corollary being that we must therefore know Self, Other, and world in the terms of our socialization as such a subject, then the above question raised by Professor Obiora is fundamental to the ongoing controversy over female circumcision. In that mediated both through Fanon's conception of sociogeny, and traditional Africa's far earlier conception of initiation or of symbolic birth, her question presents us with the following challenge: from which perspective *outside* the terms of our present socialized conditioning as culture-specific subjects, and therefore outside the terms of our present symbolically coded order of consciousness, can we be enabled to put forward the possibility of a new mode of knowing, able to identify the respective consciousnesses both of the circumcisor (and of the adherents to the ritual practice of circumcision), as well as that of their feminist proscribers and political-legal criminalizers, no longer in the terms of "false" nor "true?" But, rather, in each case, as the consciousness, *specific* and *relative* to, the conception and criterion of being in the terms of whose culture-specific governing code of symbolic life and death they have been socialized as subjects? To identify, therefore, the respective codes constituting of their Fanonian modes of sociogeny, together with the processes instituting of their symbolic birth, from the ritual practices of female circumcision to the processes of "racial" and economic excision.¹⁵⁹ In the latter of which the "symbolic death" place of the *uncircumcised* is now taken at the founding ontological level of the code (and of its "racial *longue durée*") of the Color Line, by the category comprised of all peoples of African hereditary descent, whether in

157. FANON, *supra* note 47, at 11.

158. *See id.* at 143.

159. *See* Jonathan Miller, *Trouble in Mind*, SCI. AM., Sept. 1992, at 180, 181. He writes:

Consciousness may be implemented by neurobiological processes—how else?—but the language of neurobiology does not and cannot convey what it's like to be conscious. If, as philosopher Thomas Nagel says, there is something it's *like* to be a bat, there is something even more interesting it's like to be one of us

Id.

whole, or in part, and, by extrapolation, of non-White "natives" (with *non-Whiteness* experienced as a genetically defective "significant ill"). At the same time, at the level of the economic, this place is taken by the category of Otherness to the definition of *Man* as optimally Breadwinner/Investor and *homo oeconomicus*, a category comprised by the non-Breadwinning jobless poor, all represented as enslaved, not now to the "significant ill" of *Original Sin*, but rather to the transmuted concept of *Natural Scarcity*, and therefore ostensibly made expendable by the processes of Natural Selection and its iron "laws of nature."¹⁶⁰ It is these iron laws, whose zero degree is, of course, at the level of the nation-state of the United States, the Black jobless poor of the inner city ghettos and their prison extensions, and, at the level of the world system, the impoverished areas classified as "underdeveloped," most extremely of all, Africa; yet all part of the ninety-four percent that must make do with sixty percent of the world's produced resources at the same time as the six percent areas consume some forty percent thereby making a viable human order, as Gopal points out, impossible.¹⁶¹

Basil Davidson has pointed out that the religions and cultures of traditional autocentric Africa, when seen *in the framework of their own rationality* (including therefore, the belief system which underlies the practice of circumcision as a signifier of *symbolic life*), are inseparably connected, both to the specific ensemble of behavior enacting of the lineage/clannic mode of social organization of traditional Africa, *and to the empirical results to which these behaviors led*. Those religious ritual practices that Western thinkers have seen, within the terms of their own culture, as "mumbo-jumbo," should therefore be seen in quite different terms. For it was these religions in varied garb and "myriad diversities of appearance in creed and custom" that had served to embody a central "rule of law" based on a founding principle of *Good* and *Evil* whose "guiding principles of social behavior" were to enable the expansion across the vastness of Africa of the originally small

160. See HANS BLUMENBERG, *THE LEGITIMACY OF THE MODERN AGE* 223-25 (Robert M. Wallace trans., 1983) (summarizing Darwin's and Malthus's theories as proposing that man should obey the laws of nature and "clear away" any obstacles to Natural Selection); see also GARY GUTTING, *MICHEL FOUCAULT'S ARCHEOLOGY OF SCIENTIFIC REASON* 186-90 (1989).

161. See Gopal, *supra* note 156 at 76.

local groups, and to thereby enable the large-scale peopling of the continent.¹⁶²

My proposal here is that the founding Judaeo-Christian religion of the West and its secularized variants should be seen in now parallel terms, beyond the question of whether these beliefs, and the consciousness to which they gave and gives rise, are true or false. Rather, they should be seen as the expression, especially in their degodded and secular forms, as part of an overall Judaeo-Christian cosmogonic belief system, which, in "varied garb and myriad diversity of appearance" served and serves to embody a "central rule of law." That is, as one also based on founding principles of *Good* and *Evil*, whose "guiding principles of behaviors," has also been the "codified guarantee" of the survival of Western Europe and its peoples, in that immense process of global expansion, conquest and domination, by means of which, in the wake of the Portuguese landing on the shores of Senegal in 1441, it has brought into existence our present single world system, together with the single history that we all now live. As an overall cosmogonic belief system that was also to fuel that enormous act of expression and narration,¹⁶³ that was to secularize or degod human models of being, doing so by reanchoring its new model on the basis of the "racial *longue durée*"; that is, on the premise of "race" as the ground of being in the place of the gods, with the Evolved/non-Evolved Color Line code, coming to serve, since the nineteenth century, as the new status organizing principle (in the reoccupied places of the matrix Judaeo Christian *Spirit/Flesh* code), that is now structuring of our present world system as well as, of its nation state units.

The paradox here is that, as recent scholars have shown, it was to be precisely on the basis of this degodding of being, based on the West's invention of "*Man*," and of its human Others, that the millennially held belief by all peoples in *supernatural causality* was to be replaced by the epochally new premise of *natural causality*, and thereby, of an autonomously functioning order of nature regulated, no longer as it had been held to be by divine laws, but by its own laws;¹⁶⁴ laws whose regularity and predictability could

162. See BASIL DAVIDSON, *THE BLACK MAN'S BURDEN: AFRICA AND THE CURSE OF THE NATION-STATE* 77-85 (1992).

163. See WINANT, *supra* note 67.

164. See BLUMENBERG, *supra* note 160; Wynter, *supra* note 153, at 254-57.

now enable the forces of nature to be harnessed to human *purposes*. One question was left unanswered, however: what are the laws that govern these *purposes*, the consciousness that gave rise and gives rise to them and, therefore, the behaviors that they orient and motivate?

It is here that our situation, as members of an intelligentsia of African hereditary descent who are also *women*, can provide us with a liminal perspective of alterity (as the only perspective, as Asmaron Legesse argues, that can free us from the cognitive closure defining of all human orders¹⁶⁵), from which to identify what the laws that govern our purposes, and thereby, our symbolically coded orders of consciousness, always culture-specific, must necessarily be. Since it is only such an identification that can open us onto the possibility of the Second Emergence—this time, not however, from our pre-human subordination to the genetically coded, automechanisms motivating of the behaviors of purely organic species. Rather, this time, from our continued subordination (as the price paid for our emancipation from the former), to the governing symbolic codes specific to each culture, in the terms of whose optimal criterion of being and its negation, we are socialized as subjects by “humanly devised procedures:” even as we continue to believe, as do the circumcisors, that we are *supernaturally* (by the gods, the ancestors) ordained to follow these procedures, or as do the feminist proscribers and political-legal criminalizers, that we are bio-evolutionarily selected beings, defined by our genetic and acultural “human nature.” That, therefore, not only is our present conception of *being* as an ethnic criterion of the human, equatable with being human itself, but that in consequence the “regime of truth” in whose terms we, as individual subjects, know our global and socio-human level of reality is as *transculturally valid*, as is the self-correcting order of knowledge by means of which the natural sciences have gradually come to know the physical and organic levels of reality specific to their respective domains of inquiry.

B.F. Skinner pointed out that the problems that we confront today result from the cognitive imbalance which is due to the fact that, despite the great successes of the natural sciences, we remain without a science of our own human behaviors.¹⁶⁶ Over a decade

165. See LEGESSE, *supra* note 12, at 271.

166. See B.F. SKINNER, BEYOND FREEDOM AND DIGNITY 5-7 (1984).

and a half before Skinner, Einstein had also warned of the dangers of this imbalance: one that has led to our increased power over Nature while leaving us stuck in old pre-atomic, pre-nuclear bomb ways of thinking. The "unleashed power of the atom," Einstein had warned, "has changed everything, save our modes of thinking."¹⁶⁷ Because what was at stake was "the life and death of humanity," he had continued, except we can come up with an entirely new way of thinking "we drift towards unparalleled catastrophe."¹⁶⁸ In a recent book on the relation between our present economic belief system and its effects on the environment, as well as on the global social fabric, Paul Hawken has documented the evidence of Einstein's prediction of catastrophe. We are now faced, Hawken wrote, as a species, with problems that are "vast and complex."¹⁶⁹ Not only is every living system in a state of decline, but to make "matters worse, we are in the middle of a once-in-a-billion-year blowout sale of hydrocarbons."¹⁷⁰ While these are being "combusted in the atmosphere at a rate that will effectively double-glaze the planet within the next fifty years, with unknown climatic results," our present distribution system of resources has led to situation in which:

[T]he cornucopia of resources that are being extracted, mined and harvested . . . (and which call for, *inter alia*, the large scale polluting of the environment) are so poorly distributed that 20 percent of the earth's people are chronically hungry or starving, while the rest of the population, largely in the North, control and consume 80 percent of the world's wealth.¹⁷¹

At the same time, both the over-consumption of the one and the exploding over-population of the latter, which results from the extreme poverty to which the distribution system leads (poverty that, *inter alia*, blocks the urgently needed growth of a "scientific

167. See NATHAN OTTO & HEINZ NORDEN, *EINSTEIN ON PEACE* 376 (1960). These remarks are taken from the text of a telegram that Einstein, as chairman of the newly formed Emergency Committee of Atomic Scientists, sent to prominent Americans, in 1946, appealing for contributions.

168. *Id.*

169. See PAUL HAWKEN, *THE ECOLOGY OF COMMERCE: A DECLARATION OF SUSTAINABILITY* xii (1993).

170. *Id.*

171. *Id.*

temper,"¹⁷² as well as of the stabilized job and income security needed to make both birth control and the clinicalization and thereby ending of the practice of female circumcision a rational choice), lead to a situation in which "[t]he process of fulfilling . . . [the] wants and needs" of both groups is "stripping the earth of its biotic capacity to produce life; a climatic bust of consumption by a single species is overwhelming the skies, earth, waters, and fauna."¹⁷³

It is here that our perspective of alterity provides us with the vantage point to see that a parallel cause-effect relation can be identified. This is so because, as has been documented, the continuing practice of female circumcision in the new social environment (of an Africa in the throes of a shanty-town mass urbanization, or of fully industrialized European states) has led to serious complications, grave risks of infection, and severe sexual malfunction. This continuing practice can be identified as the direct effect of a still profoundly culturally embedded conception of being inherited from the cultural sphere of a once autocentric Agrarian Africa—but now not necessarily providential to its practitioners. Thus, this cause-effect relation is that the negative social and environmental effects, as documented by Hawken, are also the effects of a *culturally* embedded conception of being (that of the human as a purely biologised being whose optimal criterion of being is that of *homo oeconomicus*), and whose "significant ill" of *Natural Scarcity* and "cure" of unending economic growth or plan of material salvation leads to our present ensemble of behaviors oriented by what Einstein identified as our old "modes of thinking," which now called for a "new type of thinking."¹⁷⁴

How then can our recognition of the cognitive closure¹⁷⁵—that is as defining of the order of consciousness and way of thinking/believing of the proscribers and criminalizers as it is of those of the circumcisors—move us towards a new way of thinking? A way of thinking that could enable us to posit the functioning laws of culture that are regulatory of the "humanly devised procedures" (from that of circumcision to those of our processes of

172. Gopal, *supra* note 156, at 76.

173. HAWKEN, *supra* note 169, at xii.

174. OTTO & NORDEN, *supra* note 167, at 376.

175. Varela proposes that all self-organizing systems depend for their autonomy on a mode of systemic closure, both cognitive and organizational. See FRANCISCO J. VARELA, *PRINCIPLES OF BIOLOGICAL AUTONOMY* 8-10 (1979).

racial, class, gender, sexuality, and socio-economic inscriptions) by means of which we are brought to "symbolic birth," and, thereby, into the status of *homo humanus*; laws that, therefore, function to motivate our behaviors through the mediation of the Word, of the code, analogously to the ways in which the behaviors of organic species are motivated in species-specific ways by those of nature.

At about the same time as Einstein, in an address given in 1946, the Negritude poet Aimé Césaire (who had first called for the recognition of the peculiar nature of our problem, as the problem I propose of the code of symbolic life inscribed by the Color Line) had put forward his proposal for a new science able to complement and complete the natural sciences.¹⁷⁶ Arguing that, in spite of the remarkable achievements of the natural sciences that had helped to make the natural world predictable, they had remained "half-starved" because they were *unable* to make our human worlds intelligible, Césaire had called for the elaboration of a new order of knowledge, specific to human forms of life, a science, therefore of the Word:

More and more, the word promises to be an algebraic equation that makes the world intelligible. Just as the new Cartesian algebra permitted the construction of theoretical physics, so too an original handling of the word can make possible at any moment a new theoretical and heedless science that poetry could already give an approximate notion of. Then the time will come again when the study of the word will condition the study of nature.¹⁷⁷

The physicist Heinz Pagels also elaborated on this possibility.¹⁷⁸ After pointing out that the advent of the computer, because of its capacity to process reliably vast quantities of information, has led to the revelation of the existence of a universe of complex self-organizing systems from the molecular level upward to our human orders, Pagels proposed that the scientific study of these self-organizing systems will transform knowledge by narrowing the "gap between the natural and the human world."¹⁷⁹ In that, as we

176. See Aimé Césaire, *Poetry and Knowledge*, in LYRIC AND DRAMATIC POETRY 1946-82 at xlii, xlix (Clayton Eshleman & Annette Smith trans., 1990).

177. *Id.*

178. See HEINZ R. PAGELS, THE DREAMS OF REASON: THE RISE OF THE COMPUTER AND THE SCIENCES OF COMPLEXITY 320-21 (1988).

179. *Id.* at 320.

come to “grasp the management of complexity, the rich structures of symbols, and perhaps consciousness itself . . . the traditional barriers—barriers erected on both sides—between natural science and the humanities” can no longer be maintained.¹⁸⁰ With the deconstruction of these barriers (barriers, in Césaire’s terms, between the “study of nature” and the “study of words”¹⁸¹), the “*narrative order of culturally constructed worlds*, the order of human feelings and beliefs will become subject to scientific description in a new way.”¹⁸² Pagels concludes by predicting that we may, on the basis of such a new order of knowledge and the new “image of *humanity*” that it will bring into being be able to look forward to the day “when the order of human affairs is not entirely established by domination.”¹⁸³

By alerting us to the new “order of domination” at work in the terms of the feminist proscription of those African women who adhere to the ritual practices of female circumcision, as well as in the criminalization of this practice by the political and legal systems of the West (including their Westernized African forms), Professor Obiora’s seminal analysis of the ongoing dispute has set in motion an intellectual exchange that may well prove to be our first step toward the Second Emergence; of whose precursor origin in the much maligned continent and culture-sphere of Africa, the residual ritual practices of male and female circumcision bear witness across millennia, across centuries.¹⁸⁴

180. *Id.*

181. Césaire, *supra* note 176, at xlix.

182. PAGELS, *supra* note 178, at 320 (emphasis added).

183. *Id.* at 320-21 (emphasis added).

184. Rock paintings in southern Africa made by the ancestors of the San peoples, which “encode the history and culture of a society thousands of years old,” may perhaps bear witness to the antiquity of the symbolic birth practice of circumcision. See Anne Solomon, *Rock Art in Southern Africa*, SCI. AM., Nov. 1996, at 106. Rock art is found all over southern Africa, with its range attesting to the vast areas once occupied by the ancient San. Among the paintings that portray the dance, the detail from one probably depicts a female initiation ceremony. See *id.* at 108. Solomon published a photograph of the contemporary San engaged in a dance, side by side with the rock painting of what is probably a portrayal of the “symbolic birth”/circumcision ceremony.

The caption under these two photographs reads:

DANCING, accompanied by clapping and singing in melodic overtones, is an integral part of San life. . . . The detail (*right*) from another painting of a dance probably depicts a female initiation ceremony. The !Kung San family above is celebrating a successful hunt in the Kalahari by dancing into the night. Note the white ostrich-eggshell knee bracelets on the woman at the bottom left; they resemble the white-dot decorations on the painted figures

As the Origin Narrative of the Dogon peoples puts it:

Thus clothed, the earth had a language, the first language of this world and the most primitive of all time. Its syntax was elementary, its verbs few, and its vocabulary without elegance. The words were breathed sounds scarcely differentiated from one another, but nevertheless vehicles. Such as it was, *this ill-defined speech sufficed for the great works of the beginning of all things.*¹⁸⁵

(left).

Id. at 108-09.

As Solomon further notes:

One of my research sites in southwestern Cape consists overwhelmingly of images of women. This unusual prevalence, here and elsewhere, suggests that some locations may have been ritual sites used only by women, perhaps in connection with female initiation—a well documented ceremony conducted when girls attained adulthood. One cannot necessarily assume, as many have, that art was a male preserve.

Much of San gender ideology seems to center on the threat that sexually mature women were believed to pose to men and to the community. The !Xam believed that the female initiate could with a glance turn men into stone or into a tree. Yet, despite fear of her dangerous powers, a young woman's attainment of adulthood was a cause for celebration. (Male initiation seems to have been a far less important rite.)

Id. at 112.

185. See GRIAULE, *supra* note 74, at 20.