

1997

Another Bridge to Cross: Between "Outside" and "Inside"

Pauline E. Peters

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



Part of the [Law Commons](#)

Recommended Citation

Pauline E. Peters, *Another Bridge to Cross: Between "Outside" and "Inside"*, 47 Cas. W. Res. L. Rev. 481 (1997)

Available at: <http://scholarlycommons.law.case.edu/caselrev/vol47/iss2/12>

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.

ANOTHER BRIDGE TO CROSS: BETWEEN “OUTSIDE” AND “INSIDE”

Pauline E. Peters[†]

In her exhaustive article, Professor Obiora reflects on the current debate, centered in America, on “female circumcision,” and uses this debate as a case study for posing the question of how courts of law and legal strategists can find a “balance” between culturally diverse precepts and universal rights.¹ She inquires into the theoretical and normative bases for transcultural critique and the circumstances in which “outsiders” can evaluate a cultural practice. She also analyzes the efficacy of legal strategies for effecting reform or social transformations.

The latter topics lead her to consider the arguments, procedures, and sanctions recently employed in different courts and legal fora. My own interests and experience fit me more for engaging with the former issue—the foundations for “transcultural critique”—than the latter. I write as a social anthropologist (trained to think about “cultural difference”), a researcher with long experience in south-central Africa (though not in areas where female circumcision is practiced), and a feminist with a keen interest in gender relations and inequalities. I thus limit my commentary to these foundational matters, taking the case of female circumcision as a specific instance. How might one understand “female circumcision”? Is it the same thing as “genital mutilation” or, alternatively, what’s in a name? What does it mean to label an issue “cultural”?

I appreciated Obiora’s cogent and subtle exposition of the dangers of reification and essentialism in the debate over female

[†] Research Associate, Harvard Institute for International Development; Lecturer, Department of Anthropology, Harvard University.

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

circumcision. As she points out, "female circumcision" is a category that describes only some of the practices of genital alteration that vary from minor "pricking" through degrees of excision to infibulation.² "Mutilation" has an even narrower ambit, evoking the most extreme forms of alteration and implying severe and incapacitating damage. Recognizing the problem of the mismatch between descriptive categories and the empirical realities they purport to describe is centrally important before any conceptual, political, or legal progress can be had in the debate over female circumcision. The problem is particularly acute in cross-cultural comparisons, and, thus, is a staple focus of anthropology.

Many anthropologists have drawn on Wittgenstein's idea of "family resemblances" to describe the overlapping and preamble character of most conceptual boundaries. Rodney Needham, for example, has constantly alerted anthropologists to the dangers of cross-cultural comparisons if they forget that many key conceptual categories "do[] not denote a discriminable class of phenomena,"³ but are, in Wittgenstein's terminology, "odd-job" words.⁴ Most of these odd-job words, like that of "marriage," are "very handy" in simple descriptive sentences, but "misleading in comparison and of no real use . . . in analysis."⁵ The conceptual class of "female circumcision" similarly glosses such a wide variety of practices and ideas that it requires careful specification for different groups in different places at different times.

More recent discussions consider how particular categories are constructed through a dialectical process of essentialized oppositions (e.g., "gifts" versus "commodities," "production" versus "consumption"). Since some degree of essentialism—as typification—is inherent in all conceptual practice, we are enjoined to avoid the dangers of essentialism by focusing on the relations between identified categories and their empirical manifestations.⁶ These are relevant concerns in addressing the feminist critique of

2. *Id.* at 287-89 (describing the various forms of genital alteration).

3. RODNEY NEEDHAM, *RETHINKING KINSHIP AND MARRIAGE* 5 (1971).

4. *Id.* (quoting LUDWIG WITTGENSTEIN, *THE BLUE AND BROWN BOOKS* 43-44 (1958)).

5. *Id.* at 7-8.

6. See James G. Carrier, *Occidentalism: The World Turned Upside Down*, 19 *AM. ETHNOLOGIST* 195-212 (1992); MODERNITY AND ITS MALCONTENTS: RITUAL AND POWER IN POSTCOLONIAL AFRICA (Jean Comaroff & John Comaroff eds., 1993); *CULTURE/POWER/HISTORY: A READER IN CONTEMPORARY SOCIAL THEORY* (Nicholas B. Dirks et al. eds., 1994); MICHAEL HERZFELD, *ANTHROPOLOGY THROUGH THE LOOKING-GLASS* (1987); WILLIAM ROSEBERRY, *ANTHROPOLOGIES AND HISTORIES* (1989).

“female circumcision,” the popular debate in newspapers and other mass media, and the task facing legal practitioners in making decisions involving “female circumcision.”

Obiora shows at some length that the current debate about “genital mutilation” is at fault for neglecting the considerable variation in the practices of genital alteration (to use the most neutral, albeit somewhat medicalized, phrase). Even less attention has been paid to the variety in the ideas and values embraced by those who endorse and practice genital alteration. Even the less emotive descriptor, “female circumcision” (favored by Obiora), refers to only some of the diverse practices.⁷ Obscuring the variation necessarily inhibits full understanding of the social phenomenon being described. In turn, if one aim of description is to derive legal and administrative rules, procedures, and judgements to regulate the practices, failure to pay attention to the disjuncture between description and reality seriously jeopardizes their effectiveness.

The disjuncture between a descriptor and what it describes is likely to be larger, however, when it is part of polemical debate, activist lobbying, or political action. Scholarly discussion allows scope for exceptions, modifications, or atypical instances—the sometimes annoying “ifs and buts” of analysis. But political polemic, by its nature, deals in large categories of contrast—the blacks and whites of difference rather than the subtle grays of nuance and indeterminacy. Hence, it is not surprising that the most vociferous opponents of female circumcision should adopt the label “genital mutilation” and focus on the most extreme forms of the practice and their most dangerous outcomes. After all, such opponents are less concerned with providing a comprehensive and socio-culturally based understanding of the phenomenon than with categorizing and packaging it in a way that allows them to stir feelings and to mobilize support *against* the practice. A close parallel is the current dispute about abortion in the United States, with its proliferation of categories purporting to describe the differences among groups. The battle over appropriate naming—“right to life” versus “pro-choice,” “fetus-killers” versus “violators of human rights”—resembles, though even more stridently, the conceptual lobbying of “genital mutilation” versus “female circumcision” versus “genital alteration.”

7. Obiora, *supra* note 1, at 289-90 (discussing alternative names for genital alterations).

Paradoxically, however, the extreme stance and language adopted by many opponents may greatly reduce their chances of reaching "the hearts and minds" of the proponents and supporters of female circumcision. Perhaps this is akin to the well-known outcome of polemic—the forcing of one's opponents into a more rigid posture. More seriously for the debate on female circumcision, the "hyperbole of monocultural indignation,"⁸ screamed by Daly and others,⁹ leads them to ignore the dissent *within* the societies where female circumcision is practiced. In fact, this topic is also unfortunately ignored by Obiora in her understandable concentration on the debate among feminists and international groups.

The signs of disagreement within the groups who practice some type of genital alteration mean, of course, that "indignation" or rejection is anything but "monocultural" (that is, one cultural gaze on a different culture). Just as the practices and ideas surrounding female genital alteration are widely various across groups and countries, so do attitudes towards it vary *within* groups.

As I started to write my commentary on Obiora's article, I read an account in the *New York Times* of the recent case of Ms. Kassindja, a young woman from Togo, who had been granted asylum by the United States on the grounds of her being unwilling to return home for fear of being circumcised.¹⁰ The article gave an account of a visit by the reporter to Ms. Kassindja's family in Togo. Her late father had not allowed his daughters to be circumcised because he was haunted, reportedly, by the severe pain experienced by his sister during and after her "genital cutting."¹¹ Ms. Kassindja's mother, whose sister had died after undergoing the rite, agreed with her husband. Ms. Kassindja had become exposed to the dangers her father had shielded her from because, after his death and following local custom, she had become the ward of her father's male relatives who insisted on girls submitting to the rite. Her prospective husband also insisted she be properly prepared for marriage. As a result, she fled the country, helped by her mother and elder sister, going first to Europe, then to the United States.¹²

8. *Id.* at 289.

9. See, e.g., MARY DALY, *GYN/ECOLOGY: THE METAETHICS OF RADICAL FEMINISM* 159-60 (1978).

10. See Celia Dugger, *A Refugee's Body is Intact but Her Family is Torn*, N.Y. TIMES, Sept. 11, 1996, at A1.

11. *Id.* at B6.

12. See *id.*

This case exemplifies the internal disagreement that can exist among people sharing not only the same "culture" but the same locality and family relations. It suggests the need to put more firmly on the future agenda of those of us, including Obiora, who are concerned about female circumcision, the signal importance of documenting and analyzing internal difference and disagreement. It also indicates the necessity for "outsider" critics to forge alliances with "insider" critics.

It may be that closer attention to such "internal" dissent would have prevented Obiora, despite her best intentions, from sometimes implying a stasis about things cultural. For example, Obiora refers to activists discussing ways of containing the practice of female circumcision while other women "remain faithful to their traditional obligation to circumcise."¹³ She also notes that, despite the debate, and some signs of attitudes changing, "there has been no *significant* decline in the practice."¹⁴ To emphasize the connectedness of cultural practices and ideas, she uses the image of a "tapestry, or a working whole, that disintegrates with rash interference."¹⁵

What these phrases (and others scattered through the article) suggest is a seeming sameness and stasis about cultures. But is it not likely that rather than "remain[ing] faithful to [the] traditional obligation to circumcise,"¹⁶ many women feel obliged to circumcise precisely *because* of the growing public and international opposition to female genital alteration? Moreover, it is likely that the practices of genital alteration are themselves in the process of change. For example, we know that female seclusion among the Hausa of Northern Nigeria has increased over the past four decades. This reflects not a *continuing* traditional force but the effects of the damage. As some families have become more prosperous in the course of commercialization, female seclusion as one mark of wealth and social status has intensified. It seems likely that similar social dynamics are at work in societies practicing female genital alteration. The issue is not a contrast between tradition and (implied) modernity, but the various ways in which a key practice is *variously* interpreted by different groups at different times. For Mr. Kassindja, female circumcision was a mark of regression and he preferred to educate his daughters and to find husbands for them

13. Obiora, *supra* note 1, at 317.

14. *Id.*

15. *Id.* at 321.

16. *Id.* at 317.

who agreed with him. His brothers and cousins disagreed. Why? What are the different social and cultural currents swirling around this small corner of Togo that may explain such differences?

The functionalist approaches to social analysis have almost disappeared from modern anthropology. While still recognizing the "connections" among things cultural and, sometimes, invoking "patterns" or "logic," most anthropologists today are more interested in the *discontinuities* and *disjunctures* among people sharing many cultural things in common. The current foci of anthropologists are more on heterogeneity, situatedness, multiplicity of "voices," and so forth. To this extent, anthropology embraces a central issue of most feminist analysis across disciplines—the determination to address "difference." Hence, when I noted above that "despite her best intentions" Obiora sometimes leans towards an overly functionalist and static concept of culture,¹⁷ I meant that her treatment of differences among women is exemplary. But a similar treatment of "culture" is not evident. This, in turn, prevents her from paying as much attention as she might to the differences in opinions about female circumcision among women of a particular cultural group. The potential advantage of such attention is that it would provide us "outsiders" (that is, those not members of the groups who circumcise) with a much wider range of rationales for and against the range of practices and, hopefully, a better understanding of some of the social dynamics influencing those rationales. Furthermore, it should provide a basis for Obiora to engage with different groups of women (and men) on her suggestion that the more effective approach is not a radical rejection of all genital alteration as "mutilation," but a proposal to shift towards "milder" forms.¹⁸ While this is an eminently sensible, rational, and pragmatic proposal, it does appear to have leaped out of the mind of Obiora, a clearly "reasonable" person! What we do not know is whether proponents of such a proposal can enter into constructive dialogue with the people most affected by female genital alteration. Again, the abortion debate suggests caution in the face of such optimism.

The comments I have made so far have remained "within" the debate over female genital alteration, that is, taking the latter as given and raising some issues of evidence and interpretation, such

17. See *supra* notes 11-13 and accompanying text.

18. See Obiora, *supra* note 1, at 286, 365.

as cross-cultural variation in the practices, intra-cultural differences of opinion towards the practices, and the conceptual dilemmas in cross-cultural analysis. A different question may be posed from "outside" the debate. Why is there, at present, an apparent fixation with female circumcision or genital mutilation among a considerable body of feminists and commentators in the United States? Since Obiora's main task is to assess the bases for legal and judicial rules and procedures *vis-à-vis* genital alteration, she must remain within the debate. However, it is worth standing, for a moment, outside and looking in.

Asking this question involves less a social theoretical issue—the pertinence of the analytical categories for interpreting the phenomenon—and more one of the sociology of knowledge: Why has this topic captured attention and what are the effects of this on the debate? One consequence of this "hyperbolic" concern with "genital mutilation" is mentioned by Obiora when she quotes Angela Davis as saying that the ferocity of the debate has led many American people to know only one thing about "African women"—that they are subjected to the inhumanity of genital mutilation.¹⁹ I was stunned by this comment, because the vast majority of anthropological cross-cultural writing on gender relations tends to see the situation of African women as far superior to many women throughout the rest of the world. In brief, the marriage systems of Africa tend not to force full incorporation of the wife into the kinship group of the husband, but allow her to retain a strong place and stake in her natal group. The classic role of bride-wealth is to secure a woman the protection of her "brothers" for herself and her children *vis-à-vis* her husband and marital relatives. In many places, a wife, especially as she becomes senior in rank to junior wives, has considerable authority, able to make semi-autonomous decisions concerning land, crops, and income. Among groups following matrilineal descent (children belong to the mother's natal group) and uxorilocal residence (husbands come to live in their wives' villages), the degree of women's authority and autonomy (as sisters, female ancestors, and female political and ritual leaders) may be considerably enlarged. In recent writings about gender, anthropologists have tended to compare the relatively open gender systems of Southeast Asia with those of Africa in contradistinction

19. See *id.* at 325 (quoting ANGELA Y. DAVIS, *WOMEN, CULTURE, AND POLITICS* 116-54 (1989)).

to the far more patriarchal systems elsewhere. This is particularly ironic, given that the furies are feminist.

An equally pernicious effect of the debate is to divide the world into two groups—those who circumcise (“mutilate”) their women and those who do not. This is where Obiora’s reference to the “hyperbole of *monocultural* indignation”²⁰ is apt. As Yael Tamir argues, the oppositional stance to clitoridectomy ends by implying the superiority of “our” treatment of women, which, in the context of phenomena like wife beating, sexual abuse, the glass ceiling, and so forth, is, to put it mildly, unwarranted.²¹

The most obvious question thrown up by the hyperbolic debate is why critics of female genital alteration have fixed on the reduction or elimination of female sexual pleasure as a key reason of their opposition? As Tamir wryly comments: “Not since Masters and Johnson has the clitoris—or its absence—been a topic of such intense debate.”²² To be fair, many opponents focus on the physical dangers of female genital cutting. Nevertheless, and perhaps inevitably in a period of intense mass media attention, the “control of female sexuality” has tended to be stressed in many treatments of the opposition to female circumcision. Obiora rightly criticizes this tendency and suggests that the foregrounding of sexual pleasure occurs because this has been one of the central issues over which feminists in the United States have fought.²³ I agree with this but feel her characterization of feminist use of “patriarchy” is a little unfair.²⁴

While using patriarchy as a concept to describe entire systems of male domination has enormous problems (glossing too broadly and discriminating too little), it would be incorrect to imply that its use has focused on the control of female sexuality. At least, this is not the case for anthropologists and historians of Africa whose use of patriarchy tends to have been more influenced by justifiable concerns about political and economic inequalities based on gender and socio-cultural valuations privileging male over female, rather than narrowly defined “sexual pleasure.” It follows, then, that to

20. *Id.* at 289 (emphasis added).

21. Yael Tamir, *Hands Off Clitoridectomy*, BOSTON REV., Summer, 1996, at 21.

22. *Id.*

23. Obiora, *supra* note 1, at 299-306 (discussing the feminist argument against genital mutilation).

24. *Id.* at 301-304 (discussing the meaning of patriarchy and the feminist use of this rationale).

focus on the latter in a discussion of female circumcision threatens to trivialize both the opposition and the support of the practices.

Again, one must urge more careful inquiry into the particular grounds for both opposition and support *in the groups* where female genital alteration takes place. The link between the “outside” questions and the “inside” ones is, in my opinion, precisely the vacuum of detailed knowledge about the rationales for and against the practices currently being deployed, and about the social dynamics of which the practices of female genital alteration are part. Without a broader perspective on what is happening to marriage, to kinship, to income strategies and levels, to systems of rank and status acquisition, to gender relations and conceptions—in short, for the entire repertoire of socio-cultural process *and the place of gender* in them, questions about female genital alteration can only be partial and distorting. Only with this broader—and deeper—understanding can bridges between “insider” and “outsider” be built.

