# “Mutilation” PIK

The Aff’s use of the term “female genital *mutilation*” perpetuates cultural imperialism by portraying non-Western practices as primitive and barbaric. The practice has heavy cultural and religious significance; to suggest that these cultures intend to wreak violence on female bodies is offensive and alienates non-Westerners who are genuinely committed to human rights.

#### Abdulmumini[[1]](#footnote-1)

The use of the term ‘Female Genital Mutilation’ is an insult to the cultures whose practices regarding female circumcision do not logically or medically amount to genital mutilation. Opponents of female circumcision must show clear-cut scientific proofs of the dangers which this type of circumcision (which is very different from infibulation) constitute to the life and health of women before legislation prohibiting these practices are passed.192 The baseless catalogue of harmful effects of female circumcision conjured by opponents of female circumcision does no credit to intellectual honesty or scientific integrity. The various risks associated with the traditional methods of carrying female circumcision would be eliminated if circumcision is carried out by properly-trained medical personnel. There is a case for medicalisation of female circumcision so that the procedure can be carried out by medical doctors in the proper environment.193 The Seattle compromise offered an easy way out in the case of infibulation yet it was rejected. The reasons advanced for the rejection of the Seattle compromise [and] paints the West as being more of an intolerant society [rather] than a society genuinely interested in ending harmful practices. Criminalization of female circumcision exposes many women to penal sanctions. Many of these women are in the poor and vulnerable bracket. This would no doubt add to rather than alleviate the problems of these women. In Africa, where governmental presence is mostly felt in the rural areas through taxation and coercive legislation rather than through social services and economic infrastructures, the concern of foreigners on female circumcision would be hard to understand. Therefore, even if female circumcision is harmful as argued by its opponents, criminalization is not the answer. 194 Education and enlightenment would be the appropriate weapons; but here perhaps lies the central problem in the struggle against female circumcision. While infibulation is easily discredited, being manifestly harmful, female circumcision is not. No amount of propaganda would convince millions of circumcised women if it contradicts their own experience. More factual reasons must be found to dissuade women from the practice – the ‘sexual blinding’ or ‘sexual castration’ argument would sound hollow to these women who in spite of being circumcised live and enjoy what they consider to be a normal and satisfied sexual life. The world has a duty to strive towards universal human rights. The deep silence on the various non-therapeutic female genital cuttings legally available on demand in the West points to an unacceptable double standard. This Orwellian approach to human rights (‘all animals are equal but some are more equal than others’) is nothing but sheer cultural imperialism, which creates doubts, aversion, and dissension in the minds of non-western peoples who are otherwise committed to human rights. It could discredit the idea of universality of human rights and destroy the very roots of human rights.

The existence of acceptable bodily mutilation in the West proves the double-standard of Western exceptionalism. This prevents Western human rights advocates from acknowledging that similar practices occur in their own backyards—turns the Aff because it ignores feminist issues at home by coopting imperialist movements.

#### Abdulmumini[[2]](#footnote-2)

In order to remain or become “beautiful”, women in the West have subjected themselves to all sorts of bodily indignities and mutilation. ‘Excess’ fats are sucked out of thighs and other parts of the body. Operations are preformed to “restructure” the nose, mouth, ears and the face. Breasts too are mutilated in “redesigning” whereby silicon, saline or other foreign materials are implanted into breasts to “improve” the fullness and appearance of the breasts even though these foreign things are known to cause adverse conditions which range from mild to grievous including excruciating pain, ascuapluar contracture, asymmetry of the breast, decreased nipple areolar sensation and displacement and rupture of implants.162 Most need further operations to ‘correct’ something. 163 The complications can be so severe as to lead to breast amputation.164 Experts say, “…careful surgical planning and technique can minimize but not always prevent such results”.165 Yet, women in the West are at perfect liberty to demand for Breast Augmentation. Even minors are legally permitted same provided they have the consent of one of their parents.166 It is important to point out that all the bodily mutilations described above even though are much more risky than female circumcision are legal and perfectly accessible on demand in western countries. The various practices in the West when viewed [by] from the perspectives of other cultures constitute mutilation of the female body in a manner emblematic of a hedonistic way of life. The way these practices are justified in the West is very telling on the way the West handles criticisms of its own practices.167 The attitude is that “a particular social practice might not be accorded the same priority when viewed from different cultural standpoints”.168 While the West views its own “genital cuttings” as “civilised”, it looks at the similar cuttings in other cultures as “savage” or “barbaric”.169 One thing that is emerging now is that the West is not prepared to make any concessions in matters of human rights to other cultures whether by way of adjusting its own practices in light of other cultures or by accepting that other cultures could do things differently from the western way. It becomes obvious then that the West is not interested in a cross-cultural human rights dialogue but in a monologue where it can talk down to other cultures.

The alternative is to use “female genital cutting” in place of “female genital mutilation.”

#### Abdulmumini[[3]](#footnote-3)

Many have pointed out and rightly too, that not all types of female circumcision fall within the categories of female genital mutilation properly socalled.95 The wide gulf between the sunna female circumcision and the Pharaohic genital mutilation is so wide that it [is] has been described as “inaccurate” 96 , “intellectually lazy and misleading”97 and “intolerant”98 to lump all the different practices in the WHO list under the single and derogatory terminology of Female Genital Mutilation. It is apparent that “not all categories of female circumcision amount[s] to mutilation in a real sense”.99 Even some opposed to all types of female circumcision find the term “mutilation” objectionable.100 It is offensive because it is “disrespectful of African women who have been circumcised” and to all persons whose culture allows female circumcision.101 Ezeilo, a law teacher and women rights activist in Nigeria who described herself as “an African feminist scholar and a local activist” thinks too that the term is offensive. She pointed to the inappropriateness of such “obscene” and “explicit” words within her own (Igbo) cultural milieu.102 In any case, as Okome rightly pointed out, “it is not the intent of those who practice the various forms of genital surgeries to wreak violence on their girls and women”.103 The objections to the term “female genital mutilation” has led to the use of the alternative term “female genital cutting” which is considered “straightforward” [and] term devoid of moral judgment.104 For some, the term FGM is not negotiable. This is so even in the academic context where respect for other views is the norm.105 The terminology “female genital mutilation” is still very much in use and defended by African-based scholars106 and Non-Governmental Organizations (NGOs). Given their uncritical acceptance of anything that emanates from the West, most think as GAMCOTRAP does, that the terminology was “scientifically arrived at by the WHO and other related bodies working on the issues”.

This shift in discourse resists the Aff’s tone of moral and cultural superiority, and instead recognizes the cultural content of female genital cutting and the benign intentions of African practitioners. This recognizes the patriarchal dimension of female genital cutting but takes a much more culturally sensitive critique.

#### Ehrenreich[[4]](#footnote-4)

The assumption that FGC expresses a monolithic, patriarchal culture that irrationally and universally harms women ignores the variety of types of genital cutting, some much more harmful than others;113 the complex role such cutting plays in African societies;114 and the active indigenous resistance to FGC within many of the countries where it is practiced.115 Some critics of the practice, many of them Africans,116 emphasize these points, presenting a much more nuanced and culturally sensitive critique than the mainstream one on which I have focused thus far.117 While not denying the patriarchal dimension of FGC or its harmful health effects, they nevertheless explicitly reject the way that mainstream anti-FGC discourse reductively associates African societies with ignorance, barbarism, and misogyny. While acknowledging that female circumcision is “part of a complex system of male domination of women,”118 those who articulate this alternative critique note that FGC has not traditionally served solely as a way for women to get husbands or for men to control women’s sexuality.119 Instead, they emphasize its role in creating bonds among women, in forging a sense of identification with one’s group, and in serving as an agegroup ritual of camaraderie and bravery.120 Through this lens, practitioners of female genital cutting are seen as individuals who are trying to help parents improve the chances of life success and happiness of their children, not just as misogynists trying to control women. The practices themselves are exposed as entailing a whole range of behaviors, from “nicking”122 to infibulation (the procedure on which some mainstream critics tend to focus123). Alternative critics of FGC urge North American opponents to take their lead from African activists124 and emphasize the need for non-Africans to educate themselves about the “historical and cultural contexts surrounding the surgeries.”125 These critics avoid the tone of moral and cultural superiority that characterizes so much of the anti-FGC rhetoric by acknowledging the valuable insight of those intimately familiar with these practices and the societies in which they occur. They also acknowledge the internal diversity of viewpoints within societies where FGC is practiced, emphasizing the role of indigenous anti-FGC activism. Implicitly challenging the monolithic and orientalizing image of FGC societies produced by mainstream rhetoric, they treat female circumcision as a subject of social struggle and contention within those societies, rather than as an unchanging, primitive “cultural practice.” Alternative critics of FGC also point out the North American exceptionalism behind many anti-FGC reform efforts. As Claire C. Robertson notes, some of these efforts convey the message that “Africans . . . need the help of more advanced civilizations, a.k.a. European Americans, to raise them out of their ignorance and poverty, which ancient rituals perpetuate by promoting ‘tradition.’”126 As a consequence, Françoise Kaudjhis-Offoumou comments, “Controversies over the question of female genital mutilation have aroused impulsive and emotional reactions among Western women; African and other victims of excision have the impression that some of these women are trying to give us lessons, to accomplish a civilizing mission and are therefore shocked, even revolted.”127 These alternative critics are also skeptical about the motivation behind some legislators’ support of anti-circumcision legislation. One activist noted: The bills are of cynical and symbolic value. A vote for such a bill was a way for conservatives who had little interest in women or people of color, as shown by voting records, to claim concern for racial and gender issues. Moreover, the vote often provided an opportunity to make a comfortable speech, safely denouncing African culture and people. At the California and federal level that meant an opportunity to label Africans as the most egregious of child abusers.128 In sum, while maintaining opposition to the practice of FGC, these opponents avoid the orientalizing tone of the mainstream opposition. Their descriptions of female circumcision humanize those performing the ritual cutting and complicate the cultural role(s) of the practice. They thus paint a complex picture of both FGC cultures and African genital cutting, eschewing the unidimensional, pejorative image conveyed by mainstream anti-FGC discourse.

Linguistic decisions matter—they shape interaction with the world and shape political and ethical responses.

#### Boshoff[[5]](#footnote-5)

Two assumptions underlie my argument. First, choice of words or legal terminology is never neutral. As Agamben suggests, the choice of term implies a specific position taken both on the nature of a phenomenon and on the logic most suitable for understanding it [3]. Choosing the term is crucial and, in his words, it is ‘the proper poetic moment of thought’.2 Second, legal terminology is a powerful ideological tool; it is not a way of describing the world, but rather, it is a way of making it. The capacity of language, and in this case specifically of legal language, to shape the vast symbolic landscape we live in, to draw the boundaries of what we regard as possible and impossible, to define the grid of our knowledge is, I will argue, often overlooked.3 From a semiological point of view the law is a system of signs that turns reality into speech, but, and this is what I want to argue, also turns speech into reality.[…] Linguistic or semiotic frameworks create what Foucault calls the ‘conditions of possibility’. It means that discourses, such as the legal discourse, have real effects in that they structure the possibility of what gets included and excluded in the debate and hence also of what gets done or remains undone. Seen like this, and as pointed out earlier, language does not reflect reality, it does not even distort reality; it creates reality. What is more, the integrity of this process, which is always essentially an historical meaning-making process, remains in doubt.

1. Abdulmumini A. Oba [University of Ilori]. "Female Circumcision as Female Genital Mutilation: Human Rights or Cultural Imperialism?" Global Jurist 8.3 (2008): 1-38. [↑](#footnote-ref-1)
2. Abdulmumini A. Oba [University of Ilori]. "Female Circumcision as Female Genital Mutilation: Human Rights or Cultural Imperialism?" Global Jurist 8.3 (2008): 1-38. [↑](#footnote-ref-2)
3. Abdulmumini A. Oba [University of Ilori]. "Female Circumcision as Female Genital Mutilation: Human Rights or Cultural Imperialism?" Global Jurist 8.3 (2008): 1-38. [↑](#footnote-ref-3)
4. Nancy Ehrenreich [Professor of Law, University of Denver College of Law] and Mark Barr. "Intersex surgery, female genital cutting, and the selective condemnation of cultural practices." Harvard. CR-CLL Rev. 40 (2005): 71. [↑](#footnote-ref-4)
5. Anél Boshoff, “Law and Its Rhetoric of Violence,” International Journal for the Semiotics of Law, June 2012. [↑](#footnote-ref-5)