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The purpose of this paper is to address the issue of female genital mutilation (FGM) and the differing positions that consider it either as a valuable cultural practice or otherwise as a human rights violation. I will begin by introducing the practice of FGM. First, I will detail the four most commonly considered types of FGM, and will then discuss the affected groups, before finally addressing the geographic locations in which FGM is most prevalent. Considering questions raised by the occurrence of FGM in Western countries, I will then discuss the appeal to group rights to legitimize the practice of FGM based on the assertion that minority cultures are at risk of extinction as a result of Western influence, and that special rights protect practices that preserve cultures. Considering this in terms of the practice of FGM, I will discuss how justification for FGM is based primarily in patriarchal cultures emphasis on preserving fidelity and purity in girls and women due to what Susan Miller Okin identifies as one principal aim of most societies, namely the control of women by men. I will then turn attention to one objection to the group rights argument, which provides evidence to support Okin's assertion, and poses the question of whether or not cultural practices that violate individual rights should be protected, regardless of whether or not they preserve the culture in which they occur. I will conclude by addressing the question of whether or now we are to preserve patriarchal cultural practices. Advocates of group rights claim that they secure meaningful ways of life, but, as we will address, this claim operates on several value assumptions.

## I.

Female genital mutilation (FGM) occurs most commonly in 4 types, listed below:

- **Type 1:** Sunna Circumcision: "removal of the prepuce and/or tip of the clitoris."<sup>i</sup>
- **Type 2:** Excision or Clitoridectomy: "excision of the entire clitoris with the labia minora and some or most of the external genitalia."<sup>ii</sup>

- **Type 3:** Excision and Infibulation (Pharaonic Circumcision): “excision of the entire clitoris, labia minora, and parts of the labia majora,” often followed by the fastening together of the vulva. The purpose of this type is to close the vaginal orifice with the exception of a small opening left for urination and menstruation.<sup>iii</sup>
- **Type 4:** Unclassified: all other operations performed on the vagina, including: pricking, piercing, stretching, or incision of the labia and/or clitoris, cauterization of the clitoris, scraping or cutting of the vagina and surrounding tissue, and introduction of corrosive substances into the vagina.<sup>iv</sup>

Infibulation, or some combination of Type 4 that incorporates infibulation comprises the most extreme cases of FGM, and females who are infibulated must undergo surgery frequently to open and close the vaginal orifice, for example before intercourse and childbirth, and often post-childbirth.<sup>v</sup>

At least 2 million girls aged 2-8 years are considered at risk of undergoing FGM, and an estimated 85-115 million girls and women are victims of the practice, with most of these victims being from African countries.<sup>vi</sup> The Practice occurs in 26 or 43 African countries, with a prevalence ranging from 98% in Somalia to 5% in Zaire.<sup>vii</sup> It has been the subject of sufficient discussion in countries like Australia, Canada, England, and the United States due to its continued practice by immigrants in these countries, forcing many to ask, as Susan Miller Okin does, “when a woman from a more patriarchal culture comes to... some... basically liberal state, why should she be less protected from male violence than other women are?”<sup>viii</sup> This is a question I hope to provide some answers to.

## II.

As Okin writes in a piece detailing the effects of multiculturalism on women, those who think minority cultures are not sufficiently protected by liberal democracies claim that, “minority cultures or ways of life are not sufficiently protected by the practice of ensuring the individual rights of their members, and as a consequence... should also be protected through special *group* rights or

privileges.”<sup>ix</sup> These group rights, according to the piece, extend to “societal cultures,” or cultures that play a “fundamental role in the lives of their members,” and their access to meaning across a range of human activities.<sup>x</sup> Because these minority cultures are at risk of extinction due to Western influence, the argument for group rights would exempt them from legislation that condemns their cultural practices.

Applying this argument to the practice of FGM, we must determine what justification there is for the practice, and what its role is in the culture it belongs to. The widely academically accepted justification for FMR, although it is at times explicitly denied by the cultures who practice FMR, holds that the practice ensures purity and fidelity in girls and women.<sup>xi</sup> Let us call refer to these, as Okin does, as the “preeminent virtues of girls and women,” but allowing for one qualification, being that they are the *relatively perceived* preeminent virtues of girls and women. FMR preserves these virtues by: 1) ensuring purity through preserving virginity in girls until marriage, and 2) ensuring fidelity in women by reducing the female sexual act to a marital obligation.<sup>xii</sup>

The practice of FGM surely accomplishes the preservation of these virtues, but in order for this practice to be legitimized by the argument for group rights, one key question must be answered: If group rights legitimize practices in order to protect a culture against extinction, what establishes the retention of purity and fidelity in girls and women as vital to the preservation of a specific culture? This question leads us to positions advanced by critics of the group rights argument.

### III.

Okin suggests that “most cultures have as one of their principal aims the control of women by men.”<sup>xiii</sup> She offers evidence to support this assertion, citing the founding myths of Greek and Roman antiquity, in addition to those of the religions of the Book (Judaism, Christianity, and Islam).<sup>xiv</sup> She writes that many cultural practices find justification in assumptions of these myths, specifically referring to “denials of women’s role in reproduction” and a “refusal to acknowledge women’s rights over the disposition of their child,” among others.<sup>xv</sup> In the first case, she cites Athena, Greek Goddess “sprung from the head of Zeus,” the birth of Remus

and Romulus, which was void of a human mother, and the genesis of Adam, created by a male God, and then used to create a female, Eve.<sup>xvi</sup> In the second case, she discusses the Judaic account of a barren Sarah who is completely unaware of the plans of her husband, Abraham, to sacrifice her miracle son, Isaac, and the subsequent praise for Abraham's faithfulness with a simultaneous disregard for Sarah's exclusion from the event.<sup>xvii</sup> These elements of cultural and religious myth reveal to us the patriarchal background for the societies seeking asylum within the group rights argument, and force us to question; if group rights can protect patriarchal societies from extinction, where do we draw the line? We understand that the control of women and the emphasis on retaining their purity and fidelity finds its basis in the patriarchal cultures desire to control women, and we also understand that the enactment of this control finds its support in an understanding of women that is readily proven to be historically and biologically inaccurate. Women play a key role in their child's development, and play a *much more substantial* biological role in reproduction than men do.

Critics of the group rights argument hold that wherever group rights legitimize a cultural practice that: 1) is part of a patriarchal societal culture that basis its culture in archaic cultural traditions or religions, and 2) violates the individual rights of, for example, women in a globalized society who have legitimate claims to sexual autonomy, there can be no justification to preserve this cultural practice. Thus, what group rights advocates consider a valuable cultural practice worth protecting, opponents of group rights consider a human rights violation, which they have a clear duty to oppose.

#### IV.

This leaves us with the question of whether or not we are to preserve patriarchal cultures by allowing group rights to protect their cultural practices. Will Kymlicka, an advocate of group rights, writes that recognizing group rights provides members of cultural groups with "meaningful ways of life across the full range of human activities."<sup>xviii</sup> Before concluding, I would like to address Kymlicka's reason for supporting group rights, and leave you with a few questions. If we commit to preserving cultural practices in order to secure meaningful ways of life for the

members of those cultures, we must consider several crucial factors that include themselves, subtly, in the interstices of this argument.

First, when told that these practices secure meaning, we must always consider the *speaker* rather than merely considering the *spoken*. Doing so reveals that the issue at hand is not simply whether meaningful ways of life are retained or threatened, but rather, understanding that there exists a multiplicity of “meaning” in the cultural experience, we recognize the issue as 3-fold, articulated in the following questions:

- To what genus of meaning are we referring when we hold that these cultural practices secure a life that is filled with this meaning?
- What value lies in this meaning? Is it worth preserving?
- To *whom* does this value apply/mean most, and why?

## V.

The practice of FGM is a topic of much debate occurring within and across multiple disciplines. There is no clear-cut response to this practice, and opposing forces find themselves at odds to reach any common ground for discussion. Human Rights advocates stand firmly on the side of the autonomous individual, heralding the *Universal Declaration of Human Rights* (UDHR), and perhaps even citing Article 5, which holds that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”<sup>xix</sup> Relativists stand firmly on another side, arguing for multiculturalism and tolerance of cultural practices above Western paternalistic Human Rights doctrine. Still others stand between the two, citing Article 18 of the UDHR, which holds that “everyone has the right to freedom of...religion...includ[ing the right] to manifest his[or her] religion in teaching, practice, worship and observance,” while simultaneously condemning the relativist for their “anything goes” view of the world.<sup>xx</sup> Whichever position seems most appealing, it is no doubt important to consider that the forces of argument on both sides of the issue hold as central to their argument two fundamentally opposing, but both fundamentally *good* aims. On the one hand, those who oppose the practice of FGM do so because they have the interests and health of individual women in a

globalized society in mind, while on the other hand, those who either support or do not actively condemn FGM as a human rights abuse hold dear to their argument the protection of minority cultures at risk of extinction. The task of reconciling these opposing groups, and resolving the tension between the two sides is one that will require significant cooperation and innovative approaches to bridging the gaps between cultures, and is a task I am very much hopeful will be successful. When two forces both vying for “goods” inconsistent with each other can come together in a collaborative effort, perhaps cultural preservation and female empowerment within predominantly patriarchal cultures can become two ideals less inconsistent with each other, and more consistent with a progressive future that does not forget its past.

Thank you for your time.

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<sup>i</sup> Alison Dundes Renteln, “International Human Rights: Universalism Versus Relativism,” *Frontiers of Anthropology Vol. 6* (London: Sage Publications, 1990), pp. 57.

<sup>ii</sup> *Ibid.*, 57.

<sup>iii</sup> *Ibid.*, 58.

<sup>iv</sup> Laura Reymond, Asha Mohamud, and Nancy Ali. “Female Genital Mutilation-The Facts,” *Program for Appropriate Technology in Health* (Washington, D.C.: PATH, 1997), pp 1

<sup>v</sup> Renteln, 57.

<sup>vi</sup> Reymond, 1.

<sup>vii</sup> *Ibid.*, 1.

<sup>viii</sup> Susan Miller Okin. “Is Multiculturalism Bad for Women?” *Is Multiculturalism Bad For Women?* ed. Joshua Cohen, Matthew Howard, and Martha C. Nussbaum (Princeton, NJ: Princeton University Press, 1999), pp. 594.

<sup>ix</sup> *Ibid.*, 588.

<sup>x</sup> *Ibid.*, 588.

<sup>xi</sup> Okin, 598, and Renteln, 57.

<sup>xii</sup> Okin, 590.

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xiii *Ibid.*, 590.

xiv *Ibid.*, 590.

xv *Ibid.*, 590.

xvi *Ibid.*, 590.

xvii *Ibid.*, 590.

xviii Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Oxford University Press, 1995), pp. 89.

xix UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (V), available at: <http://www.refworld.org/docid/3ae6b3712c.html> [accessed 11 February 2014]

xx UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (XVIII), available at: <http://www.refworld.org/docid/3ae6b3712c.html> [accessed 11 February 2014]

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