

Cultural Crusades: Relativism and the FGM Debate

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In the aftermath of September 11, 2001, and the subsequent United States' invasion of Afghanistan, much of President George W. Bush's rhetoric surrounding military action has been related to the status of Afghani women. As he signed the Afghan Women and Children Relief Act of 2001, surrounded by cherubic children and hand-picked women, his remarks focused on the "new-found freedoms" for Afghani women, and how women's rights had factored into his decision to oust the Taliban regime.ⁱ Likewise, Bush's comments on the Iraqi invasion have repeatedly castigated Saddam Hussein's treatment of women, thereby once again linking the status of women to the reason for the new "Crusade."ⁱⁱ In making an explicit connection between cultural practices and the need for external reform, George W. Bush has inadvertently stepped into a long-standing argument about cultural relativism versus the universality of human rights, especially as it relates to women.

For advocates of the relativist position, the *hijab* or veil worn by Muslim women is best understood as a practice of cultural specificity. Further, Western critiques of female genital mutilation (FGM) or punishments for crimes of honor, *hadd*, including being raped, are misguided; morality and justice is relevant only in a cultural context. The mere act of criticism, in this line of thinking, reinforces Western cultural hegemony, naturally assuming Western supremacy in philosophical and political thought. Even the idea of universal human rights is not sacred: individual rights, as opposed to collective rights or responsibilities, are denigrated as wholly Western. As Iranian President Mahmoud Ahmadinejad declared in a speech, "'Today, the worst type of dictatorship in the world is the American dictatorship which has been clothed in human rights.'"ⁱⁱⁱ

On the other end of the spectrum, universalism theorists imagine a set of presupposed, global human rights. As many critics have pointed out, the model for such rights is often a white man, necessarily involving a “moral chauvinism and ethnocentric bias.”^{iv} Between these extremes lies a wealth of opinions, from Lila Abu-Lughod’s defense of the *burqa* to Lawrence E. Cahoon’s attempt to find a consensus across cultures. Through an examination of specific cultural practices—*hadd* crimes, FGM, and the veiling of women within Muslim society—it is clear that no one theory proves to be a panacea. The cultural relativism argument correctly appreciates the legacy of Western colonial rule, and the need to understand the development of foreign customs, even as it fails to account for variations within a culture and the availability of choices to practitioners of a culture. The universalism argument correctly notes the limitations of culture as a political tool, particularly because of its shifting, fluid nature, even as it fails to account for individual agency and autonomy in promoting certain practices, potentially suppressing women’s voices yet again. In cases of women accused of *hadd* crimes, female children undergoing genital mutilation, and laws prohibiting half the population from appearing outside exposed to the open air, neither argument is sufficient. The international community can neither ignore so-called human rights abuses, nor perpetuate disempowering assumptions about non-Western peoples.

The invention of cultural relativism is relatively recent, although it stems from a long tradition of philosophical examinations of moral relativism. The work of Johann Gottfried Herder, a student of Immanuel Kant, established the notion of cultures, in direct opposition to general Enlightenment universality.^v In his *Ideas on the Philosophy of the History of Mankind* (four volumes published 1784-91), Herder established culture as the central mechanism through which to understand human identity.^{vi} His concept of cultures as plural in turn influenced Franz Boas, the “Father of American Anthropology,” who became the first to incorporate the principles of relativism into the cultural milieu, although he did not himself coin the term “cultural relativism.”^{vii} His work sought to bolster the primacy of the relativist approach in anthropology. He believed traditional anthropology was too invested in “right” and “wrong” societies. In his view, focusing on a progress narrative, i.e. First World vs. Third World, primitive vs. civilized, belies the cultural specificity of morality; thus, anthropological value judgments merely reinforce Western ethnocentrism.^{viii} Boas never questioned, however, the fact that culture and cultural relativism with it are uniquely Western concepts, and as such also evoke Western ethnocentrism.

Cultural relativism moved from the purely academic to the political realm in the post-World War II era with the Universal Declaration of Human Rights (UDHR). Given the atrocities of the Nazi regime, the international community sought to enshrine certain “human rights” to be protected by the United Nations. According to the Preamble, United Nations member states have “reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.”^{ix} The Declaration serves only as an explication of those fundamental rights. Most of these rights, including the right to a nationality and the right to choose one’s spouse, are solely Western in ideology. Cultural relativists, many from the Boasian anthropological tradition, decried the underlying ethnocentrism of the document.^x Melville Herskovits, one of Boas’ students in the 1920s, issued a “Statement on Human Rights” that was adopted by the Executive Board of the American Anthropological Association. The Statement sets out its own principles for understanding human diversity in the face of universalistic arguments. The third directly addresses the UDHR in stating: “Standards and values are relative to the culture from which they derive so that any attempt to formulate postulates that grow out of the beliefs or moral codes of one culture must to that extent detract from the applicability of any Declaration of Human Rights to mankind [sic] as a whole.”^{xi} The Statement further calls for a “statement of the right of men [sic] to live in terms of their own traditions.”^{xii}

The import of the Statement on Human Rights carried beyond the anthropological sphere, although that was admittedly its most significant arena. From its first publication in a 1947 issue of *American Anthropologist* magazine through today, the debate between cultural relativists and universal theorists has raged unabated. There is no consensus around a set definition on either side, but cultural relativism, in its strictest sense, is well-summarized by theorist Jack Donnelly: “culture is the sole source of the validity of a moral right or rule.” In contrast, radical universalism holds that “culture is irrelevant to the validity of moral rights and rules, which are universally valid.”^{xiii} Donnelly identifies the drive toward universal doctrines of human rights—the UDHR and the Convention on the Elimination of all Forms of Discrimination (CEDAW) among them—as indicative of the primacy of the universalist doctrine, at least among politicians. However, while universality dominates among political elites, cultural relativism is the theory of choice for many scholars. Adamantia Pollis and Peter Schwab have been particularly instrumental in shaping the field. They claim that:

in many societies—Asia, Africa, Eastern Europe (including Russia), and the Middle East—the liberal doctrine of human rights does not speak to the people’s world view. The ontological foundations of their cultures and society, often reinforced by the political regime on matters such as the nature of man/woman, her/his identity, and the person’s relatedness to others and to society, differ in significant ways. Belief systems, values, and basic concepts, frequently articulated in nontranslatable words (hence the concepts are nontransferable), were and remain markedly different from those in the West.^{xiv}

Cultural relativism’s popularity has much to do with Pollis’ argument; relativism seems to avoid the essentialist trappings of Western ethnocentrism. The UDHR proves to be a particular point of contention, with the supposedly coherent notion of universal human rights as the usual place of entry. The very notion of a fundamental human right—that is, a duty of the state or others to recognize some mysterious characteristic intrinsic to every human—is anathema to non-Western cultures. Rights are seen as “the heirs of the ‘Judaic-Christian tradition.’”^{xv} A particular area of concern is the individualist mentality of Western thought in comparison to the group focus of some other cultures: for example, according to some ethnologists, “in Africa the individual does not exist.”^{xvi} If there is no consensus on the existence of an individual within society, some relativists argue, then there can certainly be no consensus as to whether that individual possesses rights. Moreover, relativism theory need not be explained by reference to abstract ideology; as A. Belden Fields and Wolf-Dieter Narr assert, “They [human rights] cannot be pulled out of the air or the mind of a thinker. . . . A theory of human rights must be based upon real human beings rooted in their social contexts.”^{xvii}

While cultural relativism has enjoyed a modicum of success in gaining followers since the 1947 Statement on Human Rights, it also has been widely critiqued. First, opponents point to the lack of uniformity in any culture, including that of the West. As Uma Narayan notes in “Essence of Culture and a Sense of History: A Feminist Critique of Cultural Essentialism,” culture is not dichotomous; presuming solidarity on behalf of cultural groups “depict[s] as homogenous groups of heterogeneous people whose values, interests, ways of life, and moral and political commitments are internally plural and divergent.”^{xviii} Even among those who do ostensibly condone or promote specific practices of a culture, like FGM, many may do so “in background conditions of intimidation and eco-

conomic and political inequality.”^{xix} This observation lies at the heart of Martha Nussbaum’s formulation of culture. Members of a particular society are constrained by “limits to the notions of consent and choice,” including illiteracy, poor education, “political powerlessness, malnutrition, and intimidation,” brought about by the dominant hierarchy.^{xx} She is referring to this aspect of culture when she claims that “a community is not a mysterious organic unity but a plurality of people standing in different relations of power to one another.”^{xxi} A practice like FGM is thus not an inherent, unimpeachable element of life; rather, it is an unjustifiable wrong caused by gendered power imbalances and perpetuated by those who directly profit from the custom, including the practitioners themselves and the men who maintain their dominance, sexual and otherwise.

Other philosophers situate the wrongs of cultural relativism within the nature of culture itself, emphasizing the fluidity of customs as an explanation for the ability—indeed, inevitably—of external forces to effect change. As Patricia Hill Collins states, “Culture... is not composed of static, discrete traits moved from one locale to another. It is constantly changing and transformed, as new forms are created out of old ones. Thus culture... does not arise out of nothing; it is created and modified by material condition.”^{xxii} Therein lays the possibility for transformative change; not necessarily in eradicating a particular custom, but in improving material conditions and fostering leadership among those within a culture who decry the specified practice. As Collins also notes, “oppressed peoples may maintain hidden consciousness and may not reveal their true selves for reasons of self-protection.”^{xxiii} Criticizing FGM, *hadd* crimes, or the restrictive *burqa* may thereby be seen not solely as Western imperialism, but as a reasoned understanding of cultural power structures.

Some proponents of universalism engage directly with relativist arguments in order to debunk them. Peter Jones, though admitting that any doctrine of human rights “is necessarily a universalist doctrine,” claims that human diversity need not interfere with a common conception of human rights.^{xxiv} “Human individuals exhibit different physical and personal characteristics, but that sort of diversity does not prevent our identifying all of those human beings as human and insisting that all are entitled to the same minimum of concern and respect merely as human beings.”^{xxv} Diversity of belief and practice is then the issue. Universalists have several explanations in this realm, too; Rawls’ concept of an overlapping cultural consensus is the most notable. The overlap consists of “thick but vague” concepts that are acceptable to almost all “rational” beings, including, perhaps, an “endorsement of an account of the human Good and key social practices and institutions

by distinctive cultural traditions.”^{xxvi} In this vein, those concerned with international human rights look for specific sites of commonality. For example, this practice may include comparing the Quran to the Old or New Testament in order to find religious proscriptions on human behavior, including the proper ways to treat other people. Consistency of the relativism is at stake, as well. As one Kosovar woman complained, “Our men tell the foreign men to ignore our ideas. And they are happy to do so—under the notion of ‘cultural sensitivity.’ Why is it politically incorrect to ignore the concerns of Serbs or other minorities, but ‘culturally sensitive’ to ignore the concerns of women?”^{xxvii}

An additional point must be made in terms of the cultural relativism debate: as Ann Elizabeth Mayer indicates, relativism “is not a concept developed for application in the field of law or for evaluating whether governments of nations are adhering to international legal norms. Instead, it is a term that was developed for use in anthropology and moral philosophy.”^{xxviii} Given a world in which 192 countries are bound by the international doctrine of the United Nations and the UDHR is the world’s most translated document,^{xxix} universalist theory is, without question, the predominating legal theory. Cultural relativism may prove to be a significant criticism of the universal application of supposedly Western human rights, but its central proposition—live and let live—is unsettling for most policy makers and moral persons.

Indeed, ignoring the colonialist legacy implicit in any formulation of Western philosophy, the theory of universalism has much to recommend it. Unlike relativism, universalism provides the possibility of international agreements, thereby, hopefully, stemming what are seen as abuses of Western notions of human rights. Like relativism, however, universality theory cannot hope to account for all interactions between cultures. FGM may be a reason to intervene in cultural practices, as will be discussed, but United States media “intervention” in the Philippines has transformed a cultural emphasis on bigger bodies to a larger societal pressure to be thin.^{xxx} Clearly, not all external involvement is positive. The prolonged history of colonialism—in terms of both land-grabbing and cultural programs designed to convert the minds of the conquered population—cannot be erased or subsumed under the new threat of global pan-cultural uniformity. Groups, and the social actors that ascribe to them, do differ in fundamental ways, within nations and across nations, from adherent to adherent and adherent to outsider. As Lila Abu-Lughod articulates, “We may want justice for women, but can we accept that there might be different ideas about justice and that different women might want, or choose, different futures from what we envision as best?”^{xxxi}

Justice for women may be dependent on different ideas about justice, but it also depends heavily on the specific circumstances being examined. *Hadd* crimes, FGM, and the veiling of women under Muslim law all present unique challenges to universalist theory. If the commonly-accepted Western definition of human rights abhors restrictions of freedom of choice, how can Westerners fathom a prescribed dress code? If gender equality, in the broadest sense, is an incontrovertible principle, how can the practice of mutilating only female children's genitals ever be deemed acceptable? And if any doctrine of human rights necessarily involves bodily integrity, how can being raped, the "ultimate violation," ever lead to capital punishment, not for the rapist, but for the victim? Cultural relativists and universalists alike struggle with these issues, as the West "confronts" Islam for the first time, arguably, since the Spanish Inquisition.

FGM is the most discussed example in the cultural relativist/universalist literature, as it is perhaps one of the simplest examples of a foreign cultural practice that Westerners find abhorrent. Although the practice varies considerably across the nations in which it is common, approximately 80% of the 2 million procedures performed every year involve excision of the clitoris and the labia minora.^{xxxii} Between 100 and 140 million women have undergone the surgery, most in the 28 African countries where FGM is the cultural norm, although it increasingly affects more women in the rest of the world, including the United States, as a result of global migration.^{xxxiii} Although mutilation is itself a problematic term—practitioners and proponents prefer female circumcision—it is medically accurate, in that all four of the World Health Organization's identified categories of FGM involve deliberate injury to the female genital organs.^{xxxiv} Western feminists have called the practice "torture," "barbaric, uncivilized, and inhumane."^{xxxv} From its harmful effects, including risk of hemorrhaging, chronic infections, blood poisoning, retention of urine, shock,^{xxxvi} HIV transmission, and long-term emotional and developmental trauma,^{xxxvii} it is not difficult to ascertain why so many people across the world decry the practice.

The nature of the ritual—mutilation of only women's genitals—leads often into a discussion of the enforced limitations for women in societies that practice FGM. Georgina Ashworth writes that "female circumcision is intended to prepare the female sex for a life of suffering; to state that her identity is pain and powerlessness, unquestioning submission to social norms defined by men."^{xxxviii} Although women are often the direct impetus behind individual surgeries, as the nurses who perform it and the female relatives responsible for holding the girl-child down, the operation is performed within a patriarchal framework

that demands female sexual purity. The Arabic term for genital cutting is *tahur* or *tahara*, meaning the ritualistic purification needed for one to begin praying.^{xxxix} Although the practice is not traditionally Islamic, and in fact predates Islam, some Muslim teachers hold that female circumcision is an “ennobling act,” proper, if not required, for Muslims.^{xl} Thus, even though many Muslim countries do not promote or permit FGM, the plurality of practitioners are Muslim. Regardless of the lack of scriptural basis for the procedure, it has become tantamount to a religious rite where it has been practiced.^{xli} Young girls who do not undergo the mutilation are considered impure; deemed, in societies like the Maasai of Kenya, unable to marry; in others ostracized as the Western equivalent of a “loose” woman.^{xlii} In other traditions, including the Nile Valley cultures of Egypt and Sudan, FGM is specifically linked to defining femininity; the clitoris and labia are considered “male organs” and removal results in “a more feminine and aesthetically pleasing body.”^{xliii} In most cultures where FGM is common, it is understood that genital mutilation will restrict the woman’s sexual pleasure, but that fact is often the point of the surgery. If a woman does not desire sexual activity, she is not likely to fornicate or practice adultery. She must submit to her husband, but will desire no other. In that way, then, FGM ensures female servility to male sexual dominance.

However, it is unlikely that millions of girls worldwide are subjected to a cruel practice for which there is no explanation. And indeed, practitioners of FGM defend their practice as traditional, as acceptable within their cultural milieu, and as necessary for the purity of womankind. For Muslims, FGM is often referred to as “sunna circumcision.”^{xliv} Sunna, or tradition, implies that the practice was sanctioned by the Prophet Mohammed. His actual words on the subject, “When you perform excision, do not exhaust [remove the clitoris completely], for this is good for women and liked by husbands,” can be ambiguously read as either acceptance of the practice, albeit in a lesser form, or a statement that renders the procedure nonessential.^{xlv} Nonetheless, there is often dispute about whether traditional Islamic law requires circumcision, and among Muslims in rural areas, traditional customs often supersede religious dogma. Fittingly, many rural Muslims are appalled to learn that other cultures do not circumcise their daughters.^{xlvi}

The seeming barbarianism of FGM, coupled with the cultural “naturalism” of the practice, make it a prime subject for the cultural relativism/universalism debate. On one hand, FGM violates all existing human rights law. It violently interferes with bodily integrity, claiming victims who are incapable of consent, much less informed consent; it presents

serious short- and long-term health hazards; and it negatively impacts one sex for the benefit of the other. Yet, female circumcision is also a long-standing cultural practice, followed for centuries by societies across continents, viewed as an essential stage in female development. How can the two theories be reconciled? Is it appropriate for Western feminists and human rights activists to demonize the practices of another culture?

Several theorists have proposed arguments, ranging from strongly universal to strongly relativist in scope. On the former end, Nussbaum places the blame for FGM on male domination. She quotes a man from the Ivory Coast: “[My daughter] has no choice... I decide. Her viewpoint is not important.” His wife, who herself opposes FGM, nonetheless concurs, “The man makes the decisions about the children.”^{xvii} Nussbaum therefore considers culture a façade for male domination, which she sees as reason enough for intervention. Her argument deemphasizes culture in the larger context of human rights, even as she attempts to understand why the practice would be culturally important. Next to Nussbaum on the continuum lies Ellen Gruenbaum, who recognizes the cultural import of what she calls female genital cutting (in order to avoid the stigma associated with mutilation), but asserts freedom of choice as a more important principle. She accepts that after the age of consent, one may choose to alter one’s own body, “but to impose a decision on a child that will permanently alter her body... is to deny her right to make that decision when she is old enough to understand the consequences.”^{xviii}

Among those who advocate for a more nuanced view, FGM is seen as misunderstood by the Western world, a problem for African women to fight without Western intervention, or not as significant an issue for African women as other rights abuses. Narayan uses the case of FGM in Sierra Leone as evidence that cultural change, particularly when prompted by Western intervention, can result in worse scenarios for women. What she calls a “synecdochic substitution”—part of a ritual being accepted for the whole—has resulted in a situation wherein “the disappearance of the initiation period seems to have modified the practice for the worse. The age at which excision is carried out has drastically decreased.”^{xix} Even activists against FGM do not see the West’s intervention as necessarily positive. Nahid Toubia has written that:

The West has acted as though they have suddenly discovered a dangerous epidemic which they then sensationalized in international women’s forums creating a backlash of over-sensitivity in the concerned communities. They have portrayed it as irrefutable evidence of the

barbarism and vulgarity of underdeveloped countries... It became a conclusive validation to the view of the primitiveness of Arabs, Muslims, and Africans, all in one blow.ⁱ

Awa Thiam concurs. “People who understand nothing of ritual practices must beware of attacking them... The women of Black Africa have suffered enough from these colonial and neo-colonial attitudes.”ⁱⁱ Non-Western activists also criticize the focus on this issue when they see it as inextricably linked to other social ills for women, including malnutrition, child prostitution, and violence against women. They question the difference between FGM and the popularity of cosmetic surgery for Western women, especially new “hymen-repair” surgeries.ⁱⁱⁱ Many of these indigenous activists do not appeal to concepts of human rights in fighting their cause; they focus instead on health issues, thereby avoiding the need to attack deeply-held cultural beliefs. While Western intervention is seen as imperialism, public health campaigns by female health workers have been successful in educating thousands of women about the consequences of FGM for their daughters.ⁱⁱⁱⁱ

If FGM is a difficult subject, given the revolting nature of the procedure to Western audiences and the deeply-rooted heritage of the custom to certain cultures, than punishment for *hadd* or, in the plural form, *hudud* crimes is even more complicated. The case of Amina Lawal brought international attention to the issue, and her situation provides excellent insight into the nature of Western and Islamic interactions. On March 22, 2002, Ms. Lawal, then a 30 year old Nigerian woman, was sentenced to death by stoning for bearing a baby out of wedlock. According to the provision of *hadd al-zina* in Islamic *Shari’ah* law, the law of the land in twelve northern Nigerian states, being pregnant and unmarried is sufficient evidence of one’s adultery, and is therefore punishable by stoning. No composite form of proof exists for men, and indeed, the man who Lawal claimed had impregnated her was acquitted for lack of evidence. Only after the intervention of legal aid, several appeals, and the outcry of the international community, including from Oprah Winfrey, was Lawal given her freedom. Lawal’s lead attorney, Hauwa Ibrahim, received international acclaim and numerous human rights awards. Although the president of Nigeria is himself Christian, and the secular laws seem to forbid established religious law, the government is reluctant to be seen as attacking Muslims, half of the Nigerian population. Lawal’s conviction was eventually overturned, but the provision in *Shari’ah* law still stands: adultery or fornication is punishable by stoning. The complexity of the issue increases, however, in light of the definition of adultery; sexual intercourse outside of marriage, *zina*, is punishable by stoning, regardless of consent, unless a charge of rape can be proved by four pious

male witnesses.^{liv} Women are not considered reliable witnesses, so their testimony is only worth half of a man's testimony in court.^{lv} Moreover, according to the *'ulama*, or jurists interpreting the Quran, the witnesses must have witnessed the act of penetration, "just as the collyrium needle enters into the container, or the rope enters into the well."^{lvi}

The history of *Shari'ah* law may provide better appreciation for the current debate over human rights in Islamic countries. *Shari'ah*, meaning "path" or "way," refers to the laws and customs given to the Muslim people from the Prophet Mohammed. These laws are thus necessarily holy laws, seen by clerics as immutable and unimpeachable. However, with the ascendance of Western colonization, the majority of the world fell under European-style legal systems. Although devout Muslims still adhered to the cultural practices ordained by *Shari'ah*, the existence of Islamic criminal penalties lapsed over the course of the 19th and 20th centuries. By the end of the latter century, with the resurgence of nationalism and self-governance, Muslim polities, like the northern states of Nigeria, re-adopted *Shari'ah* penal codes as an attempt at re-asserting "cultural authenticity."^{lvii} *Shari'ah* criminal codes focus on three main areas: *quisas*, meaning bodily harm or homicide; *ta'zir*, crimes not explicitly mentioned in the Quran and thereby left to rulers to decide, and *hadd*, meaning "prevention, hindrance, or prohibition."^{lviii} Among the crimes equated to adultery are theft, rebellion, and drinking alcohol. As "crimes of honor," that is, crimes that violate proper codes of conduct for Muslim individuals, criminal prosecution is seen as a way of maintaining cultural and religious allegiance. In sentencing Amina Lawal to death by stoning, then, the *Shari'ah* court was attempting to set a precedent for modern Islamic jurisprudence: Western human rights law has no effect on our culture. Even in their eventual defeat, though, with the release of Lawal under international (mainly Western) pressure, their right to rule remained unchallenged.

Although there were no cultural relativists actively advocating for the killing of Amina Lawal, her case still presents a problem for the relativist/universalist debate. Given self-determination and the principle of self-rule, should not Muslim states be allowed to punish "deviants" as they see fit, especially when so doing is in accordance with thousand-year-old traditional customs? As with FGM, those Muslims who oppose the practice still find themselves defending their right to rule themselves in accordance with Islam. According to Lila Abu-Lughod, the majority of Afghani feminists do not wish to abandon their religion; rather, they strive to be like other Islamic countries where women enjoy more freedoms. "They looked to Iran as a country in which they say women making significant gains with-

in an Islamic framework—in part through an Islamically oriented feminist movement that is challenging injustices and reinterpreting the religious tradition.”^{lix} Similarly, Marnia Lazareg, in her criticism of Western feminist scholarship on Algeria and North Africa, asserts that “Western feminists must dispense with the stereotypical images and paradigms of Third World women and must be willing to think differently about the variety of modes of being female, including their own.”^{lx} Even Hauwa Ibrahim, the attorney who defended Lawal, incurring the wrath of her compatriots, understood the culturally-enforced limitations on her gender. She did not speak in the courtroom, although she was the most senior attorney on Lawal’s team, and she sought the tacit support of Islamic Mullahs for her case. Although she is herself against Nigerian *Shari’ah* law as full of “contradictions and typos,” she focused solely on the specific details of the case rather than larger structural issues.^{lxi} By working within the Islamic framework, these women achieve much more than Western intervention can without being stigmatized as colonizers.

The third significant point of entry into the cultural relativism debate about women also centers on Islamic law and practice, although it is far more common than women accused of *hadd* al-zina crimes, and therefore, far more of a recurrent issue. Under Islamic *Shari’ah* law, women are required to cover their heads. This tenet has been interpreted in various ways, most infamously under the strict Taliban rule of Afghanistan as requiring a full body covering, the burqa. As the “liberator” of the country, President Bush reveled in the significance of freeing “women of cover,” as he called them, from those who would “impose their world on the rest of us,” to quote Laura Bush.^{lxii} However, many of these “women of cover” have been reluctant to remove their head garments. Although latent fear of the Taliban is assuredly a factor, with increasing incidences of violence targeted against women who defy traditional expectations, there still remains the question—if Afghani women are now legally free to abandon their burqas, hjiabs and chadors, why do they cling to them, defend them, and only appear outside if covered? Similarly, why do Muslim women in Western countries, including the United States, cover themselves, even though it is not required by law?

Again, the relativist/universalist framework is helpful for understanding the significance of the veil. On the latter end, Western feminists emphasize that the “choice” to wear a veil, even outside of a legally Islamic regime, is no choice at all, sanctioned as it is by ideas of purity and cultural duty. Where the hijab is legally required, the veil is seen as a larger veiling of women within society. Reza Afshari shares the story of Dr. Homa Darabi, an Iranian woman who committed suicide rather than wear the headscarf. After losing her faculty

position at the University of Tehran's medical school for refusing to adhere to the national dress code, Dr. Darabi "walked into a crowded square in northern Tehran, removed the headscarf required of women..., and doused herself with gasoline. As she shouted, 'Death to tyranny! Long live freedom! Long live Iran!' she set herself on fire."^{kiii}

In total contrast, Lila Abu-Lughod stresses the "tyranny of fashion" in every society, comparing the wearing of a veil to wearing a skirt or dress to a wedding or not wearing shorts to the opera.^{lxiv} She emphasizes the positive attributes of the veil: its convenience for women who were heretofore restricted to the house lest they be seen by men, its status as a feminist move by a growing number of female Muslims, and most importantly, its meaning for those who choose to wear it.

A deeper understanding of the custom again proves fruitful. The Taliban did not invent the burqa, nor was it uncommon for Muslim women to cover themselves in Afghanistan before the start of their regime in 1996. Local Pashtun women wore the full-body cloak when appearing outside, as a way of maintaining modesty and honoring the Islamic provision of separating women from unrelated men.^{lxv} In this context, then, the *burqa* was liberating, allowing women access to the outside world while still preserving their cultural purity. Prior to the reinvigoration of Islamism in the 1980s, wherein many women adopted the veil either through renewed religious fervor through fear, women faced problems no matter what they wore. Caught in the struggle between Western capitalism and traditional conservatism, "there bodies seemed to be a battlefield where the cultural struggles of postcolonial societies were waged."^{lxvi} Contrary to Western popular opinion, Muslim women were never culturally allowed to dress "freely." A woman's modesty and respectability were her most valuable commodities, and at no time were the Islamic gender spheres completely intermingled.^{lxvii} It stands to reason, then, that women would not go "back" to Western clothes which they had in fact never worn, and which violated their own sense of honor and propriety.

Freedom, in this sense, is a troubled concept. Can freedom include the ability to dress as one pleases, even if that means wearing restrictive outerwear that those in the West find objectionable? Were Iran and Turkey free when, earlier in the 20th century, they forbade women from wearing the veil and insisted men wear Western-style clothing?^{lxviii} Were women free when they wore more revealing clothing only to be ogled at, propositioned, and sexually harassed by men?^{lxix} As Leila Ahmed noted, "Women stated that wearing Islamic dress resulted in a marked difference in the way they were treated in public

places.”^{lxx} The relativist approach may come closer to comprehending why so many women choose to wear the veil, even though the universalist critique is valid—their choices are not made within a vacuum. Nussbaum’s concept of the “limits to the notions of consent and choice” is once again relevant;^{lxxi} however, given the context of those who wear the veil and the harm it causes, it may prove to be the least likely battle feminists—Western or indigenous—can win.

Lila Abu-Lughod ponders a question that is well worth considering: “Do Muslim women really need saving?” She does not query further, but the logical next question is, if so, by whom? To suggest that Westerners have a responsibility to intervene in cases of flagrant human rights abuses misses the point; certain circumstances demand external pressure—including apartheid in South Africa—while other causes are only damaged by too much Western interference. Analysis must comprehend the entire situation: are the practices actually rooted in long-held cultural beliefs, or have they become hybridized versions in reaction to Western colonization?^{lxxii} “Under the impact of modernity, traditionalism is also pseudo-modernized. One cannot protect a tradition if one’s discourse is permeated by modern normative concepts.”^{lxxiii} Is the desire to “return” to a particular practice merely an elitist usurpation of tradition in order to achieve self-serving ends? As the All Africa Council of Churches articulates, “some leaders have even resorted to picking out certain elements of traditional African culture to anesthetize the masses. Despite what is said, this frequently has little to do with a return to the positive, authentic traditions of African tradition.”^{lxxiv} What is to be done when there is cultural dissension; when Afghani women, for example, beg Western aid to lift the legal restrictions on the veil? As Reza Afshari argues, even in fundamentalist Iran, “there is no political-cultural monolith; issues continue to exhibit the full spectrum of opinions from ultra-conservatism to cultural iconoclasm.”^{lxxv} And, most importantly, how does the West’s reaction to complaints of cultural relativism change in accordance with the accuser and the issue at hand? “The cry against ‘interference in culture’ is used as a defense of men’s rights, not of women’s; it is used to avoid creating a ‘national shame’ over the behavior of one sex toward the other, at the expense of the second sex.”^{lxxvi}

Although there can never be one correct answer to the cultural relativist versus universalist debate, there are several solutions that offer some hope. Rhoda Howard has proposed national legislation in Sub-Saharan African countries that would allow women to opt-out of traditional practices, rather than wholesale illegalization.^{lxxvii} Doing so enables progress

toward eradicating customs that are culturally enforced but not desired by all adherents. Annie Bunting observes a number of successful intercessions made on behalf of African women by African women, especially in raising public awareness about the health hazards of FGM.^{lxxviii} She goes on to suggest that the notion of Western must also be deconstructed and challenged, in order to understand the “multifarious cultural realities in the West.”^{lxxix} In doing so, she hopes to reduce the perception of Third World women as one essential unit. Ann Mayer is interested in addressing human rights issues in Muslim countries by looking at Islamic law. She notes that the 1992 Charter of the Islamic Conference, encompassing all Muslim countries, “expressly endorses international law and fundamental human rights, treating them as compatible with Islamic values.”ⁱ

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