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Newsletter of the Sociology of Law Section of the American Sociological Association.

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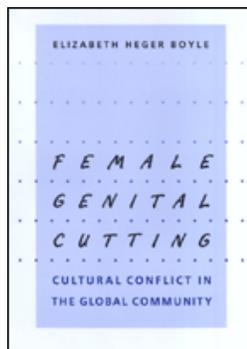
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Editor's Preface

This issue of Amici features a mini-symposium on Elizabeth Heger Boyle's book Female Genital Cutting (Johns Hopkins University Press, 2002). We are pleased to have an insightful exchange by Richard Allan Shweder and the author. I thank both participants for their splendid contributions. The short Introduction is written by the Newsletter Editor with the aide of the book publisher's website.

—MD



Book Symposium:
**FEMALE GENITAL CUTTING:
CULTURAL CONFLICT IN THE
GLOBAL COMMUNITY,**
by Elizabeth Heger Boyle

Introduction

John Boli of Emory University has written of Elizabeth Heger Boyle's *Female Genital Cutting* that the book "sets out to explore the cultural foundations for global opposition to female circumcision, the arguments of its defenders, and the attitudes on the part of women in the four African countries in which the controversial procedure is most common. I know of no other treatment of this issue, or indeed any significant issue on the agenda of world affairs, which considers in such depth the global, national, and individual levels of social action and the interconnections among them. Boyle offers much food for thought on this complicated topic and does so with considerable clarity and originality. Her book may very well become a landmark study."

Highly controversial, female genital cutting is regarded in some cultures as essential for proper development into womanhood and is defended by women who have themselves experienced it and who, in turn, have the procedure performed on their daughters. The praise by sociologist Boli and the controversial nature of female genital cutting combine to make Elizabeth Boyle's book a very suitable candidate for this symposium.

In her book, Boyle examines the controversial issue of female genital cutting from the perspectives of the sociology of law and globalization. Drawing on records of international organizations, demographic surveys, secondary studies, and popular media sources, Boyle examines how the issue is perceived and acted upon at international, national, and individual levels. Grounding her work in the theory of neoinstitutionalism, Boyle describes how the choices made by governments and women are influenced by the often conflicting principles of individualized human rights and the sovereign autonomy of states. Successively investigating the evolution of debates over female genital cutting, the international mobilization and diffusion of national policies against female genital cutting, as well as the individual responses, especially in opposition to female genital cutting, Boyle concludes that while globalization may exacerbate such conflicts, it can also lead to social change.

—See *Symposium* page 3.

*"There is no history of
politics, law, science, etc."
—Karl Marx.*

From the Chair

Understanding Law in Relation to other Forms of Authority

"Legitimacy becomes a subject for discussion only when it is disputed."
—Hans Blumenberg

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My goal in this brief essay is to proselytize. I want to encourage an approach that conceptualizes law as a form of authority in relation to other forms of authority. To emphasize law as one type of authority, among many, scholars must investigate how legal authority is claimed and sustained and how it reinforces, stymies, or mediates authority that might be grounded in culture, science, religion, professions, nationalism or whatever. How does law and its effects change as legal authority intermingles with other forms? To answer this question, we need to understand why non-legal forms of authority sometimes triumph. We should investigate groups which appropriate legal authority differently. And we must problematize what law is. If we simply assume law as an object of inquiry we exclude the processes by which law becomes an "object" and just what sort of "object" we imagine it to be. A too narrow focus on law cannot specify its full range of effects. The approach I am urging is hardly novel; Weber's work exemplifies it. But in an era of specialization a gentle reminder seems timely.

The value of a relational approach to law was vividly illustrated in three wonderful papers presented at the Law Section's panel "Outside the Law" last August. Susan Silbey described fascinating negotiations between the EPA, university administrators and lawyers, and scientists that gave rise to novel regulation, where individual departments were charged with creating their own safety compliance guidelines. In devising these regulations, the authority of scientists, bureaucrats, administrators and judges was mobilized in complex ways that shaped the rules that emerged. John Hagan and Ron Levi examined the rebirth of international criminal law in the Hague Tribunal. They showed how efforts to establish the relative autonomy of the Tribunal from powerful outside sponsors like the U.N., NATO, and U.S. varied across four prosecutorial regimes. Each regime, confronting new factions and forms of competition, and relying on unique forms of symbolic capital, devised distinctive strategies for asserting its autonomy and authority. Kim Scheppele's described how efforts to define a "state of exception" have informed the Bush administration's response to terrorism. She re-visits Carl Schmitt's influential analysis of when extraordinary circumstances exempt states from complying with their own laws, suggesting that Schmitt's ideas offer a poor guide for how to respond to terrorism now. In varied contexts, each of these papers scrutinize encounters between legal authority and forms of authority "outside of law." Each demonstrate how central are the effects of these encounters for how law is practiced and understood. As Andreas Glaeser, our astute commentator stressed, new practices cannot simply be decreed; their coherence, unity, and stability are institutional accomplishments that reflect and refract many ordering processes. Unless we account for the dynamic and contingent relations among forms of authority, we cannot understand the outcomes of professional struggles, the emergence of bureaucratic routines, or the effects of law. Nor, as Blumenberg reminds us, can we understand why legitimacy becomes the focus of struggle.

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- Silbey, Susan. "Governing Green Laboratories: Differential Responses to Legal Regulation."

Wendy Nelson Espeland is the 2003-2004 Chair of ASA Sociology of Law section. This essay is informed by a paper given at the conference on "Law's Disciplinary Encounters" organized by the American Bar Foundation.

* * *

Editorial Note

As always, section members are warmly encouraged to submit their ideas for contributions to the Newsletter Editor. I generally welcome original research essays in the sociology of law, essays on teaching issues in the sociology of law, and books in our sociological specialty to be considered for a symposium. This will be your last chance to have your work considered under my editorship, as the next issue will be my last.

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...Amici Quotes...

"Illegal income, such as stolen or embezzled funds, must be included in your income on line 21 of Form 1040, or on Schedule C or Schedule C-EZ (Form 1040) if from your self-employment activity."

— From the IRS website
(www.irs.gov).

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Book Symposium: Female Genital Cutting.

— Continued from page 1.

**Is the Global Campaign Justified?
A Commentary on Elizabeth Heger
Boyle's *Female Genital Cutting*.**By **Richard A. Shweder***The University of Chicago*

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The central question I would like to pose to Elizabeth Boyle is whether the global anti-“FGM” campaign is justified? Actors, even institutional ones, do things for reasons; and those reasons can, and must, be critically evaluated (as good reasons or bad reasons) in order to arrive at a judgment about the legitimacy of the relevant action. So my question for Elizabeth Boyle is this: if the anti-“FGM” campaigners were ever brought before an international court of critical reason, and a judgment rendered about the legitimacy of their cause, what should the verdict be?

Female Genital Cutting: Cultural Conflict in the Global Community is a brilliant and richly informative book about the late 20th century evolution of the highly visible “global campaign” against one-half of a commonplace East and West African cultural practice. The cultural practice in question is socially endorsed and highly valued by many ethnic groups in nations such as Mali, Sierra Leone, the Gambia, Egypt, Ethiopia, Somalia, the Sudan and Kenya. It involves the surgical modification of the genitals of both boys and girls, so as to promote their “normal” development with respect to local developmental standards concerning gender identity, ethnic identity, physical beauty, and adulthood (see for example, Ahmadu 2000, Boddy, 1989, Gruenbaum 2001, Gunning 1991-1992, Horowitz and Jackson 1997, Johnsdotter 2002, Johnson 2002, Kenyatta 1938, Kratz 1994, Kratz 1999, Lane and Rubinstein 1996, Lightfoot-Klein 1989, Meinardus 1967, Obiora 1997, Parker 1995, Shell-Duncan and Hernlund 2002, Shweder 2002, 2003; Walley 1997, Williams and Sobieszzyk 1997). Among these groups the practice is not referred to as either “mutilation” or “cutting”, there is gender equality in the local nomenclature used to refer to the male and female versions of the practice, and the commonly applied term, whatever it is, almost always suggests something that is valued or good.

The “global campaign” has been aimed exclusively at the female half of the practice, with the aim of creating and enforcing universal international norms according to which any socially endorsed surgical alteration of the genitals of a female child or adolescent is defined as either (a) an intolerably harmful cultural practice or (b) an obvious and impermissible violation of basic human rights, or both; and is then banned, criminalized or prohibited on those grounds. The use of both types of reasons to rationalize the “global campaign” is featured in *Female Genital Cutting*. The book includes a discussion of the recent shift among some activists from

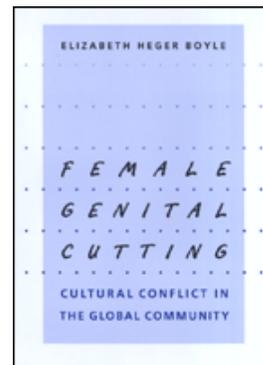
harm based arguments to arguments invoking other kinds of human rights (for example, violations of bodily integrity), a shift that carries the implication that the practice should be banned and criminalized even if it is, or can be made to be, medically safe.

Elizabeth Boyle’s book also documents the way particular institutional actors (WHO, UNICEF, “First World”

governments, the World Bank, the IMF, and feminist and human rights activist organizations and NGO’s of various sorts) have not only joined the anti-“FGM” crusade but have been pressing for cultural homogenization, standardization and top-down enforcement of universally mandated conceptions of a normal body, a normal family, normal child development, and normal gender ideals. Invariably, the advocated standard looks very much like a very particular sub-cultural Euro-American ideal. For example, she notes (p. 57): “The idea was emerging that in a “proper” family each *person* – each man, woman, or child – should be an equal partner. According to this idea it is inappropriate to view families as a convenient amalgamation of individuals linked primarily to the regulation of physical and social reproduction; the ‘true’ purpose of each family is to provide support and love for each member.” In that example, it would appear that words such as “global” and “international” are about to become terms presumptively used to designate something very much like the culturally evolved family in Sweden or on the Upper West Side of Manhattan; and it appears, at least in that example, that a rather local cultural ideal is being put forward as the universal criterion of civilized cultural development. Boyle’s book suggests that at the level of international institutions a uniform model of cultural correctness has been forged which is now being used to define the very idea of being “modern”, to mark status and acceptability in the emerging global system, and (quite crucially in a world of rich Northern nations and poor Southern one) as a condition of patronage.

I hope it is now obvious why I want to focus this brief commentary on the question of whether the current eradication campaign should be judged a worthy and justifiable cause (there were failed campaigns much like it in the first half of the 20th century, for example the late 1920s, lead by Protestant missionaries and British Colonial Administrators in Kenya, the Sudan and Nigeria). Reading Elizabeth Boyle’s book how can one not ask the question whether this type of preemptive (largely Euro-American inspired and financed) cultural strike has itself violated the rights (for example, of self-determination and family privacy) of the African nations and peoples who are the targets of the campaign, and perhaps is one measure of the way globalization has become a flawed system in need of correction.

That type of question, about the moral legitimacy of the currently evolving global system, arises these days on many fronts, economic and cultural. “To date,



globalization remains a flawed game whose rules have been fixed by rich nations." Such a condemnation of the emerging "neo-liberal" new world order was written by the New York Times editorial board. It appeared on September 10, 2003 in a statement condemning the United States, Europe and Japan for taking advantage of a position of unequal bargaining power at the World Trade Organization, and for constructing a world system in which the poor nations of the South are forced to reduce their trade barriers, while the rich nations of the North protect and heavily subsidize the production of agricultural goods at home. As the Times editorial notes, the current global trade system "has devastating effects on poorer nations, many of which could improve living standards if only given a chance to export farm products at fair market prices." The editorial does not hesitate to draw moral conclusions about how the global system has devolved, and fallen short of its own moral ideals. The Times points a finger at the contradictions and hypocrisy of current American and European trade policies. There are calls for remedies, for truth in advertising (identifying the real effects of farm subsidies and how current trade policies cause poverty in the "third" world) and for greater fairness, reciprocity and equality of voice in the process of negotiating the international rules of the "free trade" game.

A similar set of concerns – truth in advertising, fairness, equality of voice and of bargaining power – also arise with regard to the "global" campaign against genital modifications in Africa. Although what I am about to say will probably come as a surprise to anyone who knows about "FGM" only from what she or he reads in the advocacy literature or in the popular press the global campaign is in fact pretty difficult to justify on health grounds.

The first comprehensive and systematically critical review of the medical and demographic literature on the health consequences of female genital surgeries in Africa was published in 1999 by Carla Obermeyer, a medical anthropologist and epidemiologist at Harvard University. These were her major conclusions (1999: 92, 95): "On the basis of the vast literature on the harmful effects of genital surgeries, one might have anticipated finding a wealth of studies that document considerable increases in mortality and morbidity. This review could find no incontrovertible evidence on mortality, and the rate of medical complications suggest that they are the exception rather than the rule." ... "In fact, studies that systematically investigate the sexual feelings of women and men in societies where genital surgeries are found are rare, and the scant information that is available calls into question the assertion that female genital surgeries are fundamentally antithetical to women's sexuality and incompatible with sexual enjoyment."

Since the publication of Elizabeth Boyle's book there have been two other significant publications on the health consequences of female genital modifications in Africa. Obermeyer herself (2003) has published a second and more recent review of the literature in which she concludes (p. 408): "There is no doubt that better-designed studies can go a long way toward improving our estimates of the health risks of the operations, but

the current state of the evidence does not allow hasty pronouncements about all the harmful effects attributed to circumcision." (408). With regard to basic data, Morison et al (2001) have published what is probably the most systematic, large-scale and scientifically rigorous study of the reproductive health consequences of African female genital surgeries. The study, conducted in the Gambia, compared circumcised with uncircumcised women. More than 1,100 women were interviewed and also given gynecological examinations and laboratory tests. Overall, very few differences were discovered in the reproductive health status of circumcised versus uncircumcised women. As noted in the research report, the supposed morbidities (such as infertility, painful sex, vulval tumors, menstrual problems, incontinence and most endogenous infections) often cited by anti-"FGM" advocacy groups as common long-term problems of female circumcision did not distinguish women who had the surgery from those who had not. The authors (Morison et al: 2001:651) caution anti-"fgm" activists against exaggerating the morbidity and mortality risks of the practice.

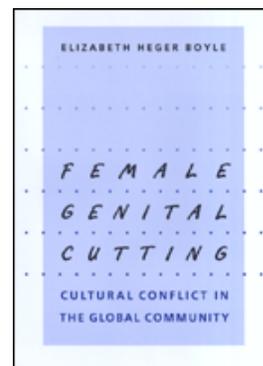
My conclusion from reading those three publications is that when it comes to the global campaign to eradicate "FGM" there has not been truth in advertising, and political advocacy goals have triumphed over the critical evaluation of evidence. The harmful practice claim has been so highly exaggerated that many of the representations in the advocacy literature and the popular press are as fanciful as they are nightmarish (see Shweder 2002, 2003 for a more extensive discussion and critique).

The human rights arguments (including the notion of an opposition between rights and culture) put forward by the global campaigners are also weak. Space does not permit a full discussion of this issue (see Shell-Duncan and Hernlund 2000; Shweder 2003) but consider, for example, the claim that female genital surgeries are a violation of a fundamental human right to bodily integrity. If there is a natural ("inalienable", that is to say "objective") human right to bodily integrity of the type supposed it would extend to the practice of male genital surgeries as well, and might well run counter to the right to religious freedom and family privacy of Jews and Muslims around the world. Moreover it is not at all clear what "the integrity of the human body" actually amounts to, once the sensationalized morbidity, mortality and sexual dysfunction claims are viewed with a cautious or skeptical eye. From the cultural perspective of Jews, Muslims and those Africans (Muslim and non-Muslim) who "circumcise" their children (both boys and girls) the human body lacks integrity (contains unbidden, immature, problematic or even ugly and disgusting components) until it is improved, purified and made "normal" by means of cultural intervention and the status conferring procedure of a genital modification (see Ahmadu 2000, Lane and Rubinstein 1996, Meinardus 1967, Shweder 2002). If there actually are universal "natural" or "inalienable" rights (e.g., a right to freedom of association, family privacy, self-determination, the right of parents to raise children in the tradition of their ancestors, etc.) then there probably are very many of

them, they often may conflict with each other and they can certainly be put to use defending particular cultural practices as well as opposing them. There is no inherent opposition between the idea of rights and the idea of culture.

"Is the global campaign justified?", and what does Elizabeth Boyle's book have to say about that question? The book deserves to become a standard text in courses on cultural globalization and the cultural politics of gender and is probably best read in tandem with a recent book by Lynn Thomas (2003) on the history of British colonial attempts to control women's bodies in Africa. Thomas concludes her book with a comparison of the anti-"FGM" colonial campaigns of the 1920's and the postcolonial campaigns of the 1990's in Kenya. With reference to the recent "postcolonial" campaigns (whether they are really "post"-colonial is part of the question) she writes: "The material resources at stake in such campaigns had also changed dramatically. Colonial campaigns ultimately foundered on the threat that they posed to political stability and imperial prosperity. The Kenyan colonial government's decision in 1930 not to prohibit excision, and its eventual dismissal of the 1956 ban, arose from the realization that these measures were unenforceable without time-consuming and costly administrative action. Such action risked undermining Kenya's position as a viable, and, for some, profitable colony. By contrast, postcolonial anti-FGM initiatives have been tied to the influx rather than the outflow of material resources. The dramatic increase in anti-FGM work by Kenyan non-governmental organizations during the 1990s and the passage of the Children Act [a recent law of the Kenyan National Assembly banning "female circumcision" under the age of 18] was fueled by

ubiquitous donor interest in ending the practice. The opposition of Kenyan activists and politicians to FGM cannot be disentangled from the preoccupation of their funders; female genital cutting and other local reproductive practices have become enmeshed in a global web of political hierarchies and economic inequalities. Within this context it remains to be seen whether those who defy the Children Act's provisions on excision will be prosecuted, and whether the 'ritual without cutting' or similar interventions can provide enduring strategies for ensuring material prosperity and constructing moral persons." Thomas does not think the success of the current eradication campaign is necessarily guaranteed nor does she think that "modernity" is a unitary or uniform notion that can be detached from local conceptions of gender, generation, family and wealth (2003:185-186).



Enter Elizabeth Boyle's "neo-institutional" analysis, her adopted theoretical approach to her subject matter and to the explanation of the quite breathtakingly anti-democratic success of the global campaign to get African elites in many nations to ban the practice despite the fact that overwhelming majorities of their own citizens value and embrace it. I should probably confess up front that in my view the substantive descriptive contribution of *Female Genital Cutting* (the book) far outstrips the theorizing (and the quantitative analyses). Indeed, I think the neo-institutional theorizing - the claim that globalization is a top-down command process that works as a homogenizing force, that "states are under pressure to demonstrate their commitment to international ideals" (p. 62), that "When a dominant group feels its position is threatened, it reacts by imposing its social practices on other groups" (p. 66) - is a bit of a problem in this case, precisely because the theory seems unable (or at least some of its theorists seem unwilling) to engage the question whether the global campaign is justified. At several points, too many points, the analysis reads like positivism without tears; which leads to the impression that some key questions have been evaded or begged.

"Positivism without tears" is the attempt to simply describe and explain what actors, including institutional actors, do, and to do so without subjecting their reasons for action to critical evaluation and without critiquing or judging their actions from a moral or normative point of view. In this case, almost everything (the credibility of, and future support for, the global campaign) turns on the truth and cogency of their claims about harms (images of African parents maiming and murdering their female children and depriving them of a capacity for a sexual response) and about human rights violations (images of African parents as torturers of their children); and on the values that might possibly justify the creation of a global system.

Asa Sociology of Law DISTINGUISHED BOOK AWARD 2004

The Sociology of Law Section of the American Sociological Association announces its biannual Distinguished Book Award. The Section will award a prize for the best book in sociology of law published in the 2001 through 2003 calendar years. Books previously nominated can not be nominated for a second time. Winners will receive their award at the ASA Annual Meeting in San Francisco, August, 2004.

Books may be self-nominated by the author(s) or they may be nominated by other scholars or by publishers.

If you wish to nominate a book, please send a brief letter of nomination and five copies of the book (or arrange for the publisher to submit copies) to: Ruth Horowitz, Department of Sociology, New York University, 269 Mercer Street, 4th FL, 10003 (Tel. 212-998-8383) (fax 212-995-4140)
ruth.horowitz@nyu.edu

**The deadline for nominating
a book is February 1, 2004.**

"International organizations in recent years have been consistent in their desire to eradicate FGC", Elizabeth Boyle writes (p. 61) and her book is far and away the best place to go to learn about how organizations such as WHO and Amnesty International have expanded or reinterpreted their mission statements to include the eradication of (female) African genital surgeries, as if children are political prisoners of their families and cultural customs are diseases. The issue she does not address in her book, at least not critically, systematically or consistently, is the question: Is that a worthy desire or not, and why?

I imagine that a neo-institutional theorist might respond to this objection as follows: whether or not the global eradication campaign is justified, it is a fact of life (a positivistic regularity or law of social nature) that all systems become integrated, uniform and bureaucratically controlled over time, that money makes the world go 'round, that Northern might defines what is right, and the global dominates the local. Thus, the handwriting is on the wall and the eradication campaign will sooner or later succeed (whether it is justified or not). That is why we study social processes the way they are; whether they are justified (or not) is simply beside the point.

Is that an adequate response? I think not, but why not? Of course, one might raise empirical issues here, pointing to the ways local dialects emerge, central command systems fail, things fall apart and become decentralized all over the world. One might point out the historical robustness of the practice of both female and male genital modifications in Africa (in ethnic groups where you have the female practice you almost always have the male practice too – despite what it says in the advocacy literature this is not a matter of society selectively picking on females) through previous historical periods of globalization (1870-1914) and in resistance to colonial top-down rule (the first half of the 20th century). Hard evidence on whether the practice is actually in overall decline in the past twenty years is either unavailable or debatable, and Elizabeth Boyle's book does not really present strong and convincing evidence one way or the other. (In some corners of Senegal, as the dominant non-circumcising Wolof ethnic group and human rights activists work hard, and side by side, to assimilate poor marginalized minority ethnic groups to mainstream Senegalese norms, the practice is on the decrease. In some places, for example, in some villages in Chad, it is being taken up for the first time. And, this type of two way process has gone on for a very long time. Indeed, in those countries where big majorities value and endorse the practice - Egypt, Mali, Sierra Leone - most of the highly educated women in the population continue to embrace it as well, as they have for centuries)(see Ahmadu 2000; Obermeyer 1999; Shweder 2002; Williams and Sobieszzyk 1997).

But the main reason I don't think the imagined response is adequate is this. Questions of legitimacy and justification are clearly not beside the point; indeed, they are on center stage as the world tries to globalize and as a neo-liberal world order struggles to be born and to define the legitimate scope of its regulatory reach.

Even within the neo-institutional framework proposed by Elizabeth Boyle she states "individuals will change their attitudes and behaviors to conform to international norms when they are familiar with the institutional logic of the international system" (p.127), a logic which, as she notes in another context, includes "international equality, at least formally". Does not that logic also include truth in advertising, fair play and a limit on the capacity of the rich and powerful to impose their will and views of the world on the poor and the weak? It seems to me that such governing principles and "logics" have all sorts of normative implications for action and resistance; which only returns us to the question I want to pose to Elizabeth Boyle, whose book I very much admire. Is the global campaign justified, and why?

Richard A. Shweder, a cultural anthropologist, is a Carnegie Scholar and the William Claude Reavis Distinguished Service Professor in the Committee on Human Development at the University of Chicago

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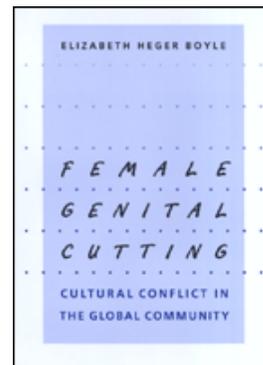
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—See *Symposium* page 8.

The ASA Sociology of Law Mentoring Program

The Sociology of Law Mentoring Program seeks to provide assistant professors in the sociology of law with a senior mentor at a different institution.

The idea is to offer assistant professors informal guidance on a wide variety of academic and institutional issues, although each mentor/mentee pair works out the parameters of their relationship.

If you are interested in participating as a mentee or willing to serve as a mentor, please send your e-mail to:

*Mark Suchman
Associate Professor of
Sociology and Law
Department of Sociology
University of Wisconsin - Madison
Madison, WI 53706
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phone: 608-262-6261*

Book Symposium: Female Genital Cutting.

— Continued from page 7.

Dangerous Strategies and Yes or No Questions: A Response to Richard ShwederBy **Elizabeth Heger Boyle***University of Minnesota*

boyle@atlas.socsci.umn.edu

The central question I would pose to Richard Shweder (in response to his central question to me) is when did he develop his adamant moral position opposing mobilization against FGC? It seems clear that he is no longer interested in evidence that might dissuade him from that position. While he has aptly characterized the tone of my book—I *am* critical of the mobilization—he mistakes my failure to make an outright condemnation of the mobilization as a theoretical weakness. My reasons for critiquing without condemning are empirical.

Fundamentally, there are good reasons to want to get rid of FGC. Although exaggerated in the popular media, there *are* negative health consequences to the practice (particularly infibulation), and some forms of the practice reduce sexual response for women. (Obermeyer does not refute this—she simply says we need more systematic studies.) Even within groups where the practice occurs, there is often disagreement about its continuation. While the practice has long historical roots in some areas, in other areas (such as parts of Chad), it is a new 'fad' that both international actors and parents oppose. Eradication efforts are not always imported from Europe or the U.S.—a number of leaders of the anti-FGC movement are African women. Further, there are young women who do not want to be circumcised, but are pressured into it. And while Richard Shweder is correct that there is a correspondence between male and female circumcision in some communities, this is not universally true. All of these factors, which suggest some mobilization is appropriate, are mentioned in the book, but not in the review.

I suspect that Richard Shweder's perspective emerged in reaction to the exaggerated and misleading representations of FGC in the American popular media. From Oprah to *Cosmo*, FGC has been portrayed as a backward, misogynistic practice uniformly imposed on girls over their tearful objections. Consistent with Matua Makau's savage-victim-savior model (2001), the ultimate message of these media stories is that Americans will save the day, rescuing the "savages" from themselves.

And, as my book notes, over-the-top media stories were accompanied by the heavy-handed, undemocratic tactics of some international organizations and Western states. These actors encouraged states where FGC is common to avoid parliamentary processes which might slow down anti-FGC efforts and also linked unrelated financial aid to eradication. Furthermore, activists' overstated claims of the health consequences of FGC were actually counterproductive. Often they did not

resonate with circumcised women, who consequently ignored them.

I disagree with some activists that the goal of eradicating FGC justifies all means, including means that are misleading, exploitive, and undemocratic. Further, I believe the "ends justify the means" mentality has been counterproductive in reducing the practice. The problem is not that anti-FGC mobilization is inherently immoral, but that some of the methods employed have been so offensive or misguided that individuals feel free to reject the message along with the messenger.

The failures and backlash that have occurred over the course of recent mobilization against FGC will hopefully lead activists to adopt more reasoned, thoughtful mobilizing strategies in the future—not just in the realm of FGC, but in other areas as well. Titillating anecdotes and inflammatory rhetoric are no longer resonating with an increasingly cynical global audience. Individuals now recognize the manipulation and begin to distrust *all* claims.

Likewise, the crush to get anti-FGC policies in international treaties and formal laws, because laws have been effective at spurring reform in the past, has hidden costs. It is well known in the social movements literature that once strategies get old and familiar, they lose their persuasive power. People do not take them seriously; they begin to view them skeptically or ignore them altogether. One unfortunate side effect of using unpopular "laws" as tools for FGC reform is that when the strategy gets old and becomes ineffective, cynicism about the "rule of law" will persist and could affect entire systems of law.

Richard Shweder (2003: 235) is highly critical of what he calls "imperial liberalism," and he sees anti-FGC mobilization as one example of it. Imperial liberalism is "the doctrine that all social institutions and dimensions of social life...should be ruled by principles of autonomy, individualism, and equality—and by the particular ordering of values and ideals for gender identity, sexuality, work, reproduction, and family life embraced by liberal men and women in the United State today." A key component of the doctrine is that liberal principles and conceptions are "upheld using the coercive power of the state and, if possible, exported to foreign lands using the coercive powers of international institutions." I share his skepticism of this emerging doctrine, but I think in the absence of coercion, organized dialogues between individuals from communities where the practice occurs and individuals from communities where it does not occur are a great idea.

Further, Richard Shweder asks a simple yes or no question and describes a world where simple yes or no questions are easy to answer. As with so many other issues, approaching FGC mobilization within such a simple binary framework is misleading. Ironically, in its binarism, Richard Shweder's view is similar to many of the activists he is critiquing. They, too, insist on a commitment to what they perceive as one of only two sides to the issue. (The two sides, by the way, are cultural imperialism—those who see the mobilization as ethnocentric and coercive—and misogyny—those who see the failure to take coercive action against FGC as

Call for Submissions
**ASA Sociology of Law
 STUDENT PAPER
 AWARDS 2004**

The Sociology of Law Section of the American Sociological Association announces its Annual Student Paper Awards. The Section will award prizes for both the best graduate paper and undergraduate paper. Winners will receive their award at the ASA Annual Meeting in San Francisco, August, 2004.

Papers may address any topic in the Sociology of Law. Papers may be reports of any kind of original research, including empirical and theoretical contributions or evaluations of existing scholarship. Originality, clarity, and analyses of substantive social issues are typically seen as important advantages.

Entries should be double-spaced and not exceed 35 pages in length (including tables, appendices, and references). Entries should follow ASA style. Papers must have been written while the student was a graduate or undergraduate student. Papers that have been accepted for publication or already published at the time of submission are not eligible. Papers may be submitted by students or by professors on behalf of their students.

**The deadline for submissions
 is March 30, 2004.**

Please send one copy of the paper as well as one copy on disc (in Microsoft Word format), with specification of student standing (undergraduate or graduate), to be received by March 30, 2004 to:

Sarah N. Gatson, Assistant Professor of
 Sociology, Department of Sociology,
 Texas A&M University, College Station,
 Texas 77845-4351, (979) 862-4057 (Fax),
 gatson@neo.tamu.edu

The Student Awards Committee consists of Sarah Gatson (chair, Texas A & M), Ronit Dinovitzer (University of Toronto), Jen Earl (University of California, Santa Barbara).

* * *

women-hating). In my book, I refuse to adopt either of these perspectives because I believe they misrepresent FGC and the mobilization against it. They cause people to talk past one another instead of engaging each other.

That is why my book provides more description and theorizing than "solution" templates. In the area of female genital cutting, solution templates are not hard to find. Intelligent discussion is a much rarer commodity. In a recent presidential address to the Law & Society Association, Kitty Calavita (2002) discussed the role of public intellectuals in guiding policy. At one point she suggested that academics self-censor to avoid being perceived as "too ideologically engaged and thus suspect" (p. 11). If I endorsed Richard Shweder's perspective, readers of my book would justifiably question whether the facts supported my perspective, or my perspective drove my presentation of the facts. The same could be said if I wholeheartedly endorsed the current mobilization against FGC. My refusal to endorse either perspective is not based on theory, but on the facts as I have reviewed them. My theoretical perspective—neo-institutionalism—is in fact useful here. It enhanced my ability to step back *both* from the modern assumptions of "liberal imperialism" *and* from the liberal, individualist assumptions of modern academic discourse.

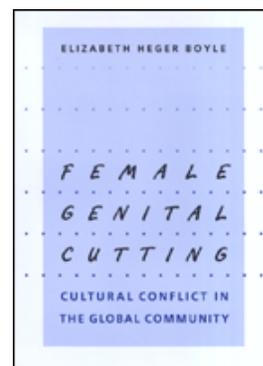
In many ways, Richard Shweder and I are in agreement. A save-the-savages mentality has pushed the world too far in the direction of cultural imperialism in the case of female genital cutting. In both today's critique and in his recent writings, Professor Shweder has thoughtfully and thoroughly illuminated this point. Where Professor Shweder and I differ is that I am equally unwilling to imbue the cultural imperialism critique with moral certainty. To me, that produces the same problem; just in the opposite direction. I reject this binary view of the world.

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Shweder, Richard A. 2003. "What About Female Genital Mutilation? And Why Understanding Culture Matters in the First Place." Pp. 216-250 in *Engaging Cultural Differences: The Multicultural Challenge in Liberal Democracies*, edited by Richard A. Shweder, Martha Minow, and Hazel Rose Markus. New York: Russell Sage Foundation.



Report from the Student Awards Committee Chair, 2003

The 2003 Sociology of Law Section Undergraduate and Graduate Awards Committee, composed of Charles Cappell, Erin Kelly, Calvin Morrill (chair), and David Shulman, voted unanimously not to make an award in either category this year.

The Committee received only four submissions for the graduate award and did not believe any of the papers warranted an award. The Committee did not receive any submissions for the undergraduate award.

The Committee urges the incoming officers and all members of the section to make a targeted effort to encourage submissions for the 2004 Sociology of Law graduate awards from the major programs producing top flight graduate students in the sociology of law. Likewise, the undergraduate paper competition should either be abandoned or a better set of mechanisms to encourage quality submissions be developed.

***Submitted by Calvin Morrill,
2003 Committee Chair.***

Space reserved for congratulations to the 2003 student award winners.

**CONGRATULATIONS TO
RICHARD O. LEMPERS,
DAVID L. CHAMBERS, AND
TERRY K. ADAMS**

**For Receiving the ASA Sociology
of Law Section Distinguished
Article Award 2003**

"Michigan's Minority Graduates in Practice: The River Runs Through Law School," (*Law & Social Inquiry*, 25[2], 2000), by Richard O. Lempert, David L. Chambers, and Terry K. Adams, documents the first large-scale empirical study of affirmative action in law school admissions.

The study examines the careers of minority graduates from the University of Michigan Law School classes of 1970 through 1996, and of a random sample of white alumni from the same period. With methodological care, thoroughness, nuance, depth, candor, and modesty, the authors take us where scholars have not traveled before.

We learn a great deal that is new, compelling, surprising, paradoxical, and terribly important about one of the great social issues of our age. The article reveals, for example, the educational value that practicing lawyers, including whites, place on the diversity they encountered in law school classrooms.

We learn that, although LSAT scores and undergraduate grade-point average (that figure prominently in admissions decisions) are significant predictors of law school grades, they do not predict career success. As a result, Michigan's minority alumni, who enter law school with lower LSAT scores and undergraduate grade-point averages than its white alumni and receive, on average, lower grades in law school than their white counterparts, are fully as successful as Michigan's white alumni - whether success is measured by self-reported income, career satisfaction, or contributions to the community. Indeed, minority graduates tend to give more back to society in terms of pro bono work, community service, and mentoring than their white classmates. And because all Michigan Law School alumni disproportionately serve same-race clients, minority alumni provide considerably more service to minority clients.

Perhaps best of all, the article raises at least as many new questions as it answers, inspiring new kinds of inquiry and analysis.

**Submitted by Susan Shapiro,
2003 Article Committee Chair.**

**THE WEBSITE OF THE
SOCIOLOGY OF LAW SECTION
OF THE AMERICAN
SOCIOLOGICAL ASSOCIATION**

Sociology of Law

The sociology of law involves a commitment to linking the study of law with such core sociological issues as social change and stability, order and disorder, the nation-state and capitalism. Further, the sociology of law is committed to theoretically substantiated and methodologically sophisticated empirical investigations as the central means of studying the dynamics of law-in-society. The ASA Sociology of Law Section provides a forum for intellectual and personal exchange among sociologists interested in the study of law, legal institutions, and law-related structures and processes...

All this and more can be read on our section website, ably maintained by Matthew Silberman. Though a separate newsletter site is no longer be maintained, the section website now contains the newsletter in pdf format as well as many other stuffs, such as:
Statement of Purpose - How to join this section - List of Committees - Directory of Section Members - Membership List - Best Article Prize - Distinguished Book Award - Section Reports - Mentoring Program - Recent Books...

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It keeps you out of trouble!***



Call for Submissions

ASA Annual Meeting, San Francisco, 2004



It was the pleasure of Chair-Elect Joachim Savelsberg, University of Minnesota, to organize the program for the Sociology of Law Section at the 2004 Annual Meetings of the American Sociological Association. The Section offers generous space for the open submission of papers, in addition to an invited panel. The organizers are looking forward to receiving your submissions. For questions, please address the organizers (addresses below).

1. Open submission session: THE SOCIAL STRUCTURE OF LAW

Organizer:

Mark Cooney
Department of Sociology
113 Baldwin Hall
University of Georgia
Athens, GA 30602-1611
Phone: 706-542-2421
E-mail: mcooney@arches.uga.edu.

2. Joint open submission session with the Social Movements Section: SOCIAL MOVEMENTS AND LAW

Organizer:

Mary Bernstein
Department of Sociology
University of Connecticut
Unit 2068
344 Mansfield Rd.
Storrs, CT 06269-2068
Phone: 860-486-3991
E-Mail: Mary.Bernstein@uconn.edu

3. Round Table Session: SOCIOLOGY OF LAW ROUNDTABLES

Organizer:

Elizabeth Hoffmann
Department of Sociology and Anthropology
700 W. State Street
Purdue University
West Lafayette, Indiana 47907-2059
Phone: 765-494-4668
E-mail: hoffmanne@socpurdue.edu.

4. Invited paper session: LAW BETWEEN GLOBALIZATION AND NATIONAL INSTITUTIONS

Organizer and President:

Joachim J. Savelsberg
Department of Sociology
University of Minnesota
(currently Karl Franzens Universitaet Graz
Institut fuer Soziologie
Universitaetsstrasse 15/G4
A—8010 Graz
AUSTRIA)
E-mail: savelsbg@atlas.socsci.umn.edu

PRESENTERS (in alphabetical order):

- Elizabeth Heger Boyle (University of Minnesota)
- Bruce Carruthers (Northwestern University) and Terence Halliday (American Bar Foundation)
- John Hagan and Ron Levy (Northwestern University and American Bar Foundation)
- Abigail Saguy (University of California, Los Angeles)

DISCUSSANT:

- Marion Fourcade-Gourinchas (University of California, Berkeley)

IDEA:

Globalization pressure imposes trans-national scripts on nation states. Yet, national law making and the knowledge by which it is supported reflect nation-level institutions while nation-level institutions also serve as conduits to allow trans-national ideas or scripts to enter national scenes. Finally, nation-level institutions filter globalization pressures (or, in other words, they affect the nature of changes that result from globalization in specific countries; different again, we observe interaction effects between the rise of national scripts and nation-specific institutions). As a result, the outcome of new international scripts or norms is likely to vary across nation states. These issues have been addressed for areas such as criminal law, human rights law, civil rights law, and economic law (e.g., trade, fiscal, bankruptcy). They also apply to other sociological phenomena outside the area of law. This session brings together a group of scholars who will talk about their specific research on one of these areas of law and address the issues raised above.