

Female Genital Mutilation: A Capabilities Approach*

Roksana Alavi

University of Kansas

In many African countries female genital mutilation (FGM) is quite common in spite of the fact that most of those countries have laws against it.¹ FGM is a painful experience and many young women and girls die in the process;² still, some young women have come to look forward to the procedure, and one wonders why. Certainly not for the sensation they get from it but rather for the social gains—by going through excision, the female takes the first step towards *womanhood*. Although some of this is done to girls as young infancy the majority are in their teens and a few are adults.³ The fundamental societal motive for FGM is simple: It is widely agreed in such cultures, that FGM leads to more committed and dependable marriages. The belief is that women's sexuality must be controlled for the stability of the family; "It is [done] to ensure virginity before marriage and sexual fidelity after it by decreasing female sexual pleasure and, in the case of infibulation, by rendering penetrative intercourse impossible."⁴ Since many of these cultures are male dominated, women's voices are rarely heard.⁵ Many women have opposed FGM; those who support it are often people whose economic wellbeing depends on the procedure.

I argue that viewing and treating women in the manner required by FGM is oppressive because it suppresses, destroys, and unjustifiably interferes with development of fundamental human capabilities. Concerning oppression, Sandra Bartky remarks, "to be denied an autonomous choice of self, forbidden cultural expression and condemned to the immanence of mere bodily being is to be cut off from the sorts of activities that define what it is to be human."⁶ I will use Martha Nussbaum's approach to demonstrate that FGM fulfills these criteria.

Women are unjustly deprived of a basic human capability due to their membership in a group. The group in question is defined on the basis of sex. According to Marilyn Frye,

[Oppression] has to do with your membership in some category understood as a natural or physical category. The inhabitant of the cage [of the oppressed] is not an individual but a group, all those of a certain category. If an individual is oppressed, it is in virtue of being a member of a group or category of people that is systematically reduced, molded, immobilized.⁷

Not everything that “frustrates or limits a person is oppressive and not every harm or damage is due to oppression.”⁸ For instance, when someone is the victim of kidnapping and rape, she/he is a victim of a crime, and it would be odd to describe her/him as oppressed rather than as a victim of criminal activity. Parents have control over their children and keep them from some of the things that the children want to do but we do not, for this reason, consider the parents to be oppressors. For example if John is injured in a hunting accident he is not oppressed though he may be in a state of excruciating pain or incapacity. His pain or incapacity is not inflicted on him in virtue of his membership in any particular group. However, this is certainly not the case with FGM. The pain is inflicted on someone because she is a woman—that is, because of her membership in this particular group.

In contexts in which FGM is widely practiced women are seen as an inferior group. Nussbaum claims that cultures that practice FGM often portray women as “childish and whorish.”⁹ Women simply are, on this view incapable of controlling their own sexuality in a socially acceptable manner and so it must be externally controlled. Women’s sexuality is treated as a source of the destruction of the family. Young children are not capable of safely handling weapons, so their access to such items must be carefully controlled by others—a responsible guardian would keep deadly weapons away from children. Women are treated the same concerning their sexuality. Just as a child could quickly cause lethal

harm if given a deadly weapon, a woman who is given opportunities to develop her sexuality will become a “whore”. Conceived in this way, the level of friendship and intimacy in a relationship is on shaky ground at best, and FGM can (and frequently does) keep the relationship from becoming a full, humanly successful one due to the fact that one of the individuals involved is assumed to be in some respects inferior to the other and not deserving of the same capabilities.

The reasons given to support the practice of FGM fail as justifications. FGM is falsely held to be (1) the best or perhaps even the *only* way to be rid of adultery and achieve family stability, or (2) the preferred method for introduction to womanhood. The latter overlooks other more humane options. Many cultures have less dangerous and harmful, not to mention less oppressive, traditions to introduce young men and women into adulthood.¹⁰ American Indian tribes send their young on a quest; in the pacific islands, they tattoo the boys as a sign of manhood, and the Jewish culture does this by means of a festivity called *bar mitzvah* for boys and *bat mitzvah* for girls. None of these actions leave the child mutilated and in agony—nothing is done that would lead to permanent, irreversible damage that may annihilate a capacity to participate in or enjoy a fundamental human activity as is the case with FGM. Tradition alone does not justify the psychological, emotional and physical harm that FGM causes. If it is known that a traditional practice causes substantial harm and there are other alternatives readily available, then from a moral point of view the traditional practice should be replaced by the less harmful alternative. At the very least, an appeal to tradition should not be taken to establish a sufficient reason for the continuance of the practice.

A number of problems arise from the idea that FGM is the best or perhaps the only way to be rid of adultery. FGM is clearly not a necessary condition for committed relationships. In relationships where the couple are lovers in the fullest sense there is often deeper care and closeness between them due to their mutual loyalty, affection, intimacy and friendship—this is a better, nobler, way to secure fidelity than is FGM. It is better and nobler because

each of the parties is acknowledged to be worthy of fidelity, which is different from fidelity secured by diminishing another person's basic capability. On the other hand, FGM does not necessarily secure virginity or fidelity, instead it sometimes leads to promiscuity due to women's unsatisfying sexual experiences. Perhaps FGM works some of the time, as building fidelity based on love and care does, but the latter would start the family on strong foundations that people can build on and not mutilate the physical being of the woman in order to ensure that she is worthy of trust. A woman's dignity and sense of self-worth is diminished if she is *only* looked at as a caregiver, mother, daughter and wife, and these are often the only qualities of womanhood that are considered when FGM is at issue. Looking at an individual in terms of the roles that she plays in a society does not harm her, what's harmful is if those roles are taken to exhaustively define who she is—not one who is valuable in her own self but rather someone whose entire being is understood to consist of the services she renders to others, primarily men. She is taken to have virtually no inherent value in herself.

The trauma of FGM often undermines a woman's self-confidence and self-actualization and initiates forms of psychological oppression. Joyce Mitchell Cook explains psychological oppression this way:

To be psychologically oppressed is to be weighed down in your mind; it is to have a harsh dominion exercised over your self-esteem. The psychologically oppressed become their own oppressors; they come to exercise harsh dominion over their own self-esteem. Differently put, psychological oppression can be regarded as the internalization of intimations of inferiority.¹¹

Society perceives these women solely as daughters, wives, mothers, and widowed—their identity is invariably defined in terms of their relationship to men.¹² Bartky remarks, "Those women have been systematically taught that [t]he function of [a woman] is the service to men and men's interest as men define them, which includes the

bearing and rearing of children.”¹³ Such categorization from early childhood keeps virtually all women from any expectations of a better situation for themselves.

What gives people confidence is setting goals and achieving them. In FGM-practicing cultures it is assumed that women are not going to achieve fidelity on their own no matter who they are or what character traits they have. This means that, generally speaking, women cannot control their own minds and bodies. If it is uniformly assumed that a woman has no ability to control her own body, how can it be expected that such women would come to believe that they have such control? Given the assumptions underlying FGM, the confidence is not likely to be present that would foster the development of self-control or autonomy. Women may believe that undergoing FGM is the only way that they can control their sexuality and achieve self-worth, and be worthy as a marriage partner or mother. Consequently, women may come to believe that they have no value in themselves. If they do so, they may become less confident and self-assured than they would otherwise be. It is true that social acceptance could give one assurance and confidence, but here it is gained by having to give up a part of one’s own body. Many of us could relate to a time when an illness or injury would not heal, and left us feeling depressed and helpless. Such feelings of depression and helplessness are common psychological side effects of FGM. As a young woman put it, “to be circumcised is having a terminal illness that lasts a lifetime.”¹⁴ It should not be surprising that a circumcised woman would suffer long-term psychological problems.

If FGM were the only way to be worthy of marriage, one might wonder about the level of love and care involved in such relationships, or even the desire to have such relationships. Suppose a woman is willing to have a sexual relationship with a man who enjoys the act, but it causes her great pain. Her partner is clearly aware of this. She may want to be a mother and this is the only way that they can have a child. He causes her harm (pain) for a good of procreating.

A different case is represented by the man who gets sexual pleasures from the relationship and displays no concern towards

his lover's pains or pleasures. The only goal to be achieved is his pleasure. A wife in societies that resort to FGM is often in such a situation; it is part of a woman's duties to provide her husband with sexual services. She simply cannot refuse his desires, and he experiences virtually no cultural encouragement to take her suffering into account. In such circumstances, a woman might willingly fulfill her "duties", but would be unlikely to look forward to doing so; and a man who insists on sexual intimacy solely with women who have undergone FGM is guilty of a lack of concern for his partner's wellbeing. Though this sort of demeaning attitude towards women is not unheard of in non-FGM practicing societies, FGM is a further contributing factor here. In such cases she is merely a means to sexual pleasure. Her person is reduced to a mere object to satisfy his desire regardless of the price she has to pay.

There is a parallel between this lack of concern and the psychology of rape. Rapists do not take into account the kinds of psychological experiential harms that they bring about in their victims, which include not only the person raped but also others who care for this person. Men who advocate FGM are often similar in two parallel ways: (1) Many fathers who decide to have their daughters subjected to FGM are not concerned about the physical or psychological harm it brings about. Such a father often has his concern centered on the social prestige of his family and the material or social goods gained for the family he rules. The mother's opinion is considered irrelevant and does not count here; in FGM practicing societies, if a mother is against FGM it does not stop the men from arranging to circumcise their daughters.¹⁵ (2) When a man willingly enters into a relationship for no other goal than his own pleasure, with a woman who is circumcised, knowing that she not only does not get any physical pleasure from him but is also hurt by the act (or worse, he would not even consider a relationship with an uncircumcised female), he seems unconcerned with the harm that he causes her. Both (1) and (2) fail to take adequate account of the physical and psychological harm excised women go through because of the demands put on them by men. In both cases the women are treated as a "mere means" to securing

some masculine desire. Her humanity is not taken into account. It is the attitude that it is permissible to use another human being as a mere means to sexual pleasure that makes this similar to the psychology of the rapist.

Female genital mutilation is morally suspect not only because it detracts from the “fullness” of a relationship, it also prevents a human being from legitimately extending and exploring her life to the fullest. For these women the quality of life, or at least the potential for having a fulfilling sexual life, will always be inferior to the uncircumcised females or the men of those societies. While a father who decides that his daughter must be circumcised may be caring as far as her social life is concerned, he *knowingly* overlooks her private sphere and her personal wellbeing.¹⁶ What is being overlooked or not understood is that by circumcising his daughter, he is putting her in a situation inferior to her future mate with respect to the capacity to experience pleasurable sexual relations and to make that pleasure integral to the bond of love and activity of reproduction. This could perhaps be due to misinformation about the benefits of FGM and when one is misinformed about an important issue, the choices made based on that information are often flawed.¹⁷ So many circumcised women are often such victims of ignorance.

Women are all too often assigned by men to service roles and refused much inherent value of their own. Frye emphasizes this point when she says,

There is a woman’s place, a sector, which is inhabited by women of all classes and races, and it is not defined by geographical boundaries but by function. The function is the service of men and men’s interests as men define them, which includes the bearing and rearing of children.¹⁸

Her wellbeing as a valuable creature in her own right is not considered. It is important to remember that besides sexual dissatisfaction and inadequacy side effects of FGM, several basic capabilities are lost or seriously affected. This is not a matter to be taken lightly.¹⁹

Nussbaum contends that if any one of the basic human capabilities is destroyed, then that life is potentially not as good a life as it could have been if one had the potential and opportunity to develop each of those capabilities. So, opportunity, even if one is not interested in it or aware of it, contributes to a good life.²⁰ This means that not everyone develops each of his or her capabilities but that everyone should be given the opportunity to do so if one so chooses. Some functioning of some of these capabilities are essential in development of other capabilities.²¹ Where FGM is practiced the women's social betterment comes from the destruction of one of the basic human capabilities that contributes to a flourishing human life. The destruction of a basic capability, and the consequent diminishment of potential for the fundamental human experience of intimate sexual love is due to the fact that one is a member of a certain class—a distinguishable group known as females. This is oppression; add to it the physical and psychological harms that are nearly certain consequences of FGM, and it is oppression of the most egregious kind.

The destruction of a basic human capability should not be thought of as a trade-off; social gains and basic capabilities cannot be properly traded for the other. They are radically different. Given Nussbaum's view of basic human capabilities and their violation and Bartky's understanding of oppression, which involves "being cut off from the sorts of activities that define what it is to be human"²², there can be no doubt that FGM is an oppressive practice. Women are systematically and unnecessarily cut off from a part of what it is to be human. This is done to them *because* they are women, and it is done for the *benefit* of men. Even the so-called "social benefits" that are conferred on them as a result of FGM, such as economic dependency, marriageability, motherhood, and homemaker work to the benefit of men. Given what is done to whom, and who benefits from the doing, there can be little doubt concerning the oppressive nature of FGM.

I should add that not everyone who lacks a capability (such as handicapped children) is oppressed, only the ones that have a capability taken away from them or diminished because of their membership in a group (in this case, women).²³ Nussbaum adds

“The central capabilities are not just instrumental to further pursuits: they are held to have value in themselves, in making the life that includes them fully human.”²⁴

The most relevant of Nussbaum’s *Basic Human Functional Capabilities* for our purposes is:

Bodily Integrity [which means] Being able to move freely from place to place, being able to be secure against violent assault, including sexual assault, marital rape, and domestic violence, having opportunities for sexual satisfaction and for choice in matters of reproduction.²⁵

In communities where FGM is practiced part of the capability referred to by *Bodily Integrity* is intentionally destroyed and, all else equal, “a life that lacks any one of these capabilities, no matter what else it has, will fall short of being a good human life.”²⁶ Therefore, even if these women achieve higher social status than the ones who are not circumcised they will be unable to choose the realization of which may contribute to a *fully good human life*.²⁷ For instance, *all else equal*, a tennis player who loses his legs in a car wreck could lead a good life but not as *fully* a good one because s/he is not able to run in a field of flowers or continue playing tennis, or undertake any other activities that require the case of fully developed, functioning legs, though none of the other goods have been taken away from him/her.²⁸ Nussbaum points out that her list “...is a list of *separate components*. We cannot satisfy the need for one of them by giving a larger amount of another one. All are of central importance and all are distinct in quality.”²⁹ A fully good human life requires that a person be able to make decisions about which of the capabilities they will develop; FGM insures that such decision-making is unavailable in some important respects to women.

Sexual oppression has effects more than those that are immediately observable—these psychological effects of FGM are far from insignificant. They initially begin when women are assigned their expected role in the society through the act of FGM. Everything else is secondary to that role, if it has any importance

at all. Those women have learned to see themselves solely in terms of what men want and demand from them—and as mentioned earlier many men would not even consider becoming involved with a woman who has not been circumcised. The idea is that properly brought up and *prepared* females are all circumcised and hence ready to perform their services as wives, mothers and objects of sexual release. Both sexual objectification and stereotyping are at play here. Bartky says of the former:

A person is sexually objectified when her sexual parts or sexual functions are separated out from the rest of her personality and reduced to the status of mere instruments or else regarded as if they were capable of representing her. On this definition, then, the prostitute would be a victim of sexual objectification, as would the *playboy* bunny, the female breeder [as circumcised women] and the bathing beauty.³⁰

These women are being identified exclusively in terms of their sexuality, and if what Bartky holds is right then such identification is oppressive. An instance of this is the way the girls in some parts of Africa are treated. Stephanie Welsh claims that when a girl is circumcised she has no *right* to refuse intercourse with any man—FGM in these parts is done for initiation to the tribe. A woman is reduced merely to *an instrument* of pleasure for men. This sort of objectification is not only undignified for a woman but also can lead to damaging physical consequences, unwanted pregnancies and possibly, death.³¹

Marriageable women are stereotyped in that they do not care about sexuality or anything besides their home life, family, and household chores. Uncircumcised women are stereotyped as wanton, undisciplined and incapable of self-control. They are seen as poor marriage prospects and unreliable mothers. There is a convincing reason why circumcised, “marriageable”, women might have little interest in sex; the ability to enjoy sexual pleasure has been taken away from them. If the capabilities have not been taken away, with the right stimuli women will be able to experience sexual

pleasure. Many women in FGM-practicing cultures do not even believe that they are missing out on something. They believe that the only pleasure to be had for a woman is through giving her husband pleasure and that women are incapable of sexual pleasure even without excision.³²

These stereotypes, among others, are not only inaccurate and reprehensible, as Bartky remarks, they are psychologically oppressive in two ways:

First, it can hardly be expected that those who hold a set of stereotyped beliefs about the sort of person I am will understand my needs or even respect my rights. Second, suppose that I, the object of some stereotype, believe in it myself—for why should I not believe what everyone else believes? I may then find it difficult to achieve what existentialists call an authentic choice of self, or what some psychologists have regarded as a state of self-actualization.³³

In other words, the person stereotyped may internalize the stereotype and the alienation. If she does, then such internalization makes authentic choice much more difficult than it otherwise would be. When this happens the oppressed become their own oppressors. Virtually none of women who are circumcised think about their future in terms of their education, the establishment of a career, or other autonomous achievements beyond the role of wife/mother. This is so mainly because they have been raised to believe that the most important things are male-centered; to be a daughter, a wife, and then a mother of a husband's children. In such cases women come to see themselves as an extension of the will of others, and so may become submissive and incapable of making decisions. If they are abandoned, widowed, or if their husbands decide to take in another wife, they feel psychologically inadequate to make the right decisions for themselves in dealing with the situation. Their society only reinforces this incapacity. If widowed or abandoned, they are treated as burdens, be it on their own or their husbands' families. They often depend on these families to care for them and

their children, the very image of a dead-end, failed life.³⁴ An example of this sort of oppression is seen in many widowed women; for instance in India, where the idea of caste is still influential, they are not allowed to work to feed themselves and it is an abomination to even consider remarrying.

Psychological oppression, though often difficult to detect, is highly likely when a basic biological capability has been taken away from women by brute force (in virtually all cases) and there was nothing they could do to prevent it from happening.³⁵ These women are often characterized by what psychologists call *learned helplessness*, and this form of psychological oppression often results from FGM (although FGM is, of course, not the only cause). Psychologist Martin E.P. Seligman confirms the effects of learned helplessness.³⁶ In his research he concludes that in 70% of cases when humans encounter one situation where they are helpless and nothing they do makes any difference, they will generalize that helpless attitude to relevantly similar situations—in this case in dealing with male authority figures where anything they try seems unlikely to make a difference in their lives.

Bartky presumably would consider women who undergo FGM to be prime candidates for *alienation*. She explains what she means by alienation;

Alienation occurs in each case when activities which not only belong to the domain of the self but define, in large measure, the proper functioning of this self, fall under the control of others. To be a victim of alienation is to have a part of one's being stolen by another.... [P]sychic alienation involve[s] a splitting off of human functions from the human person, a forbidding of activities thought to be essential to a fully human existence.³⁷

To be alienated, according to Bartky, is to have part of one's human functioning taken away. Women who undergo FGM have a part of their human functioning taken away from them, because the capability necessary to such functioning has been destroyed.

FGM and its larger inseparable context lead to an unnecessary and profound experience of belittlement and helplessness that can hardly fail to leave psychologically traumatic effects. Helplessness, according to Nel Noddings, is a sign of moral evil.³⁸ Supporting a practice that promotes the destruction of a basic human capability and one that promotes alienation and the resulting sense of incapacity fosters a sense of helplessness. Anyone who knowingly does not stop or try not to be a part of a practice that is seen to be a moral evil is, to the extent that they are capable of changing it, responsible for the evil.³⁹ Protest and refusal to participate in an evil practice is available to most men, and men in FGM-practicing societies who do little or nothing to rectify the situation must be assigned some responsibility for its continuation. It is mainly the men's demand that secures a cultural niche for FGM. Imagine that the demand was reversed so that men refused to marry women who are circumcised. Suppose that they consider FGM immoral and unnecessary. If this happened FGM would not remain a part of this world for long. The only remaining motive for it would be the economic incentive that a few women have who are paid for performing the operation. But no one pays for a service that no one wants.

The stakes are very high; every year two million young women and girls ages 4-15 undergo FGM.⁴⁰ This results in an estimate total of about 137 million women who are currently living with mutilated bodies as a result of FGM.⁴¹ Given that in these societies there is not much for women to accomplish outside of marriage and their relationship with men, as long as fathers believe that FGM enhances their daughters marriageability they will keep mutilating their daughters. As in all intentional social injustices, those predominantly responsible are those with power or influence. It was with the help of men in the United States that laws were changed so that women and other minority groups gained the right to vote. Men in FGM-practicing societies (and those in other societies with influence) who are not trying to change these injustices are themselves morally responsible in so far as they could do something and neglect to do so. Noddings asserts:

When we acknowledge that pain, separation, and helplessness are the basic states of consciousness associated with evil and that moral evil consists in inducing, sustaining, or failing to relieve these conditions, we can no longer ignore that we do think of and intend evil when we perform such acts.⁴²

Pain, separation, and helplessness, then are signs of moral evil. All of these signs accompany FGM, and so it is a good candidate for a practice that is morally evil.

Pain results from the actual procedure itself, and from the consequent physical and psychological conditions that occur due to FGM. Helplessness in relationships is common; initially finding one's fate in the hands and will of one's loved ones, followed by physical helplessness while one is held down by strong others during the procedure. Finally, the helplessness that results from generalizing these early experiences to relationships with men in general. Separation, in the most literal sense, from part of one's own body, and the physical pleasure that can result from it. Separation from the forms of intimacy and bonding that such pleasure is a part of, and which is not easily achieved (at least for many people) when such pleasure is missing. Pain, separation, and helplessness all inflicted on one at the hands of others, and all because she is a woman. All done in order to make her more serviceable, more attractive, to others. This is evil; this is oppression. If this were visited on any other group it would instantly be recognized for exactly what it is; but those who are quick to recognize oppression based on race or disability are all too often slow (I do not just mean that it takes them a long time; I mean mentally sluggish) to recognize it when it is based on gender. In the final analysis, given the psychological and physical damage that FGM leaves behind as a result of taking away one's basic capabilities for full potential for human flourishing, it can be concluded that FGM is immoral and all who "knowingly" support it are, to some extent, morally blameworthy.

Granted FGM improves a woman's social status, we do not want to forget about the fundamental human capacities, private

and personal pleasures and the psychological integrity that it undermines. A part of having a lover is the sexual pleasure that one receives from ones partner. Women who have their genitals mutilated do not and cannot have a complete intimate relationship as equal partners in the give and take of sexual pleasure. FGM destroys one of the necessary conditions for bodily integrity, in the sense in which this is taken to be a basic human capability.

Circumcised women will always be sexually oppressed in FGM-practicing societies even if as a result of the procedure they become socially better off. The society might acknowledge them as superior to or more desirable than the uncircumcised but not as equal and dignified and worthy members of the society. Nussbaum reminds us of this in answer to critics who charge us with Western imperialism,

And what we are going to say is: there are universal obligations to protect human functioning and its dignity, and that the dignity of women is equal to that of men. If that involves assault on many local traditions, both Western and non-Western, so much the better, because any tradition that denies these things is unjust.⁴³

There is, however, a concern about what Nussbaum sets forth here. While a culture may involve unjust practices, many members have come to define themselves in terms of that particular culture. Practices such as FGM might be defended as necessary for continuation of cultural identity.

Will Kymlicka suggests that while “membership in a rich and secure culture”⁴⁴ is essential for development of the self, we should also bear in mind that “to inhibit people from questioning their inherited social roles can condemn them to unsatisfying, even oppressive lives.”⁴⁵ Kymlicka is right in his understanding of the development of the self among people with very strong traditions; he is equally correct to point out the need to be concerned if these roles are oppressive. Some cultures condemn even the questioning of those roles and so, many members are unable to consider a different life for themselves. In such cases they may even be

unaware that alternatives exist. Susan Moller Okin challenges the ability of such optionless cultures to make the bases of self-respect available to all members:

For surely self-respect and self-esteem require more than simple membership in a viable culture. Surely it is *not* enough for one to be able to “question one’s inherited social roles” and to have the capacity to make choices about the life one wants to lead, that one’s culture be protected. At least as important to the development of self-respect and self-esteem is *our place within our culture*. And at least as important to our capacity to question our social roles is *whether our culture instills in us and forces on us particular social roles*. To the extent that a girl’s culture is patriarchal, in both these respects, her healthy development is endangered.⁴⁶

Okin and Kymlicka hold that being able to question social roles is an important part of self-respect.⁴⁷ Being able to question those roles *and* have the option to do otherwise is what Okin contends is necessary to overcome oppressive practices. Her point is that merely recognizing oppression is not enough; mere recognition will not ensure the “healthy development of girls.” Many do recognize the oppressive nature of FGM but have no opportunity to effectively resist it.

Sex discrimination cannot be adequately grasped merely from the perspective of the public realm; the private must also be considered. Laws may have little effect on the way people are treated in the private domain, but society should protect women from being abused in public and in private. Women should be able to make decisions in both realms. Many women do not believe that they actually have the possibility of choosing differently, and they “freely choose” to undergo FGM believing it to be the *only* way to gain social status, get married, secure the blessings of family life, and become a woman and therefore be taken seriously. According to Nussbaum, regardless of what people choose, laws should protect their basic human capabilities, and this includes

protection from norms that govern the private realm.⁴⁸ Cultural norms should at least strive to be equally protective of males and females. Such protection is lacking in FGM-practicing cultures.

The argument as developed so far

Let's review what has been suggested so far.

(p1) There are no plausible internal moral objections to having *bodily integrity*, which includes capability to develop one's sexuality.

By "internal objection" I mean that there is nothing that is inherently wrong with developing one's sexuality. There is an internal objection against murder for mere amusement. The act is in itself wrong. If there are no internal objections against sexual development why do some women choose to be mutilated? Nussbaum's conception of "adaptive preferences" can help us to better understand such choices. An "adaptive preference" is a choice or desire, which results when individuals "adjust their desire to the way of life they know.... Adaptive preferences are formed without one's control or awareness, by a causal mechanism that isn't of one's choosing."⁴⁹ When a person chooses a self-harm, or indicates a preference that reduces one's capability to flourish in some basic respect, we may be well advised to ask ourselves if this preference is an adaptation to immoral conditions that unjustly constrain or inhibit the range of possibilities open to persons.

We should take a skeptical attitude (at least initially) concerning how well-considered, informed, and autonomous such a preference is. Suicide is similar. One may ask if this choice is well-informed and is indeed good for the person making it. Would she make the same decision if she had all the facts, the freedom to choose differently, and could seriously entertain other options? Most of the women who suffer FGM are not given much if any education, and many do not know that some choices like, staying in an abusive relationship, FGM, or living in a unsanitary environment are not good for them and are highly likely to cause them serious undeserved harm.⁵⁰ As one woman put it; "this is just how things are."⁵¹ To merely tell a helpless and oppressed woman that she has

choices is not enough to make those choices appear as realistic options. Nussbaum points out that women must often be helped to make the right choices “not only by giving them new information but by enhancing their sense of their own possibilities and worth.”⁵² If a person does not believe she has value and is worthy of improving, she will not do anything to change her circumstances for the better. People who change their lives for the better usually believe that they are deserving of a better life than they have. This idea along with the opportunity and means for improvement will motivate them to discover and develop their possibilities.

Many people believe that regardless of what they do, the quality of their lives will not improve. They do not see any point in trying to change anything; doing so is, in their view, merely a recipe for frustration and wasted effort. This does not mean that certain people just simply do not care about their quality of life—quite the contrary. But they see no chance of doing anything that could realistically lead to improvement. Such lack of vision or imagination is often a manifestation of learned helplessness. Once people are educated about choices *and* given the tools to see those choices as meaningful possible realities, they have a much better chance of actually leading their lives to the fullest and making better choices that avoid unnecessary self-harm. As one woman puts it, “A daughter born/ To husband or death/ She’s already gone.”⁵³ So, apparently, the only way to escape abuse is to escape men. As long as women regard themselves as inferior to and dependent on men, there is little to be done to improve the quality of their lives when those lives suffer at the hands of (and institutions created by) men. A critical first step toward a better life then is to know one’s value and worth. Steps leading to recognition of greater self-worth and the possibility of securing better living conditions come from seeing that improvement is possible. Nussbaum tells of organizations like Self-Employed Women’s Association of India, which shows women videos of “women doing daring new things and thereby gaining confidence that they can do things too.”⁵⁴ This has helped many Indian women to widen their horizons, try new things, and no longer remain passive victims of the oppressive forces of their culture.

The second premise is,

(p2) There are no plausible external objections to developing one's sexuality. The traditional objection that FGM is needed for committed relationships is simply wrong. Fidelity can be achieved in a relationship without women having to be physically abused.

By "External objection" I mean an action being wrong due to the consequences of that action. There is nothing inherently wrong with wearing sport bras to church but family members may object as a result of the distractions it produces or misunderstandings that could lead to immoral lustful thoughts in some people. Thus they may bring external objections to bear on sporting such attire in inappropriate circumstances. Noddings reminds us that we can teach female children virtues, such as respect and care for themselves and others. They could learn to develop relationships with people based on mutual care and love and come to know why these things matter. Teaching dignity and mutual respect is perhaps the most effective way to assure that our sons and daughters practice fidelity. For many reasons women who undergo FGM still sometimes commit adultery. But with the right outlook about relationships and marriage we could expect very successful results. There are far better, less oppressive, painful, and harmful ways of achieving stability in the family than FGM.

Internal and external objections exhaust the foreseeable range of objections to allowing women functional sexual development based on their capabilities. It follows that,

(c1) Therefore there are no plausible moral justifications for denial of the capacity for sexual development in a relationship given that there are no plausible internal or external moral objections to doing so.

This does not mean that choosing to become a nun is an immoral choice. A nun chooses that life and coercion or oppression need not be a part of such a choice. She is not pushed into the choice by

being forcibly deprived of a basic human capability. Instead, it might be an example of what psychologists refer to as *self-actualization*. Further, she retains the right and the ability to overturn that choice.

The denial of fundamental choices to exercise basic human capacities is what's at issue. The society is not responsible, at least directly, for an individual deciding to become celibate if she plausibly could have chosen otherwise. What the society is responsible to do is to prevent the destruction of her capabilities and ensure her opportunities to develop them. One must have the potential for extending the capabilities, in a *real* sense of having.⁵⁵ Not all of these capabilities need be put into function. The moral responsibility of people toward one another is to avoid foreclosing on the opportunities to develop basic human functioning capabilities and allow individuals make their own choices about which ones they want to develop.

FGM is unnecessary for purposes of introduction to womanhood; there are alternatives that would not have such harmful effects and would confer benefits on girls. In countries where activist groups have educated young girls about the harms of FGM and the benefits of not submitting to it, many young women are refusing it and fleeing the tribes where it is practiced. Though this seems like a moral good in our eyes, it does represent a loss of a tradition. In response to such resistance *some* families have pushed back the average age of circumcision to four years.⁵⁶ This is a tragic side effect of education, but many other tribes have come to find alternatives to FGM to deal with this issue of coming of age. For instance, in some villages in Kenya women go through seclusion for several days where they learn about the meaning of becoming a woman, an adult and a parent. They learn about their health, physical and psychological. When the days of seclusion are over, the traditional celebration that conventionally follows the circumcision starts; now the girls are not suffering in pain, and so can concentrate on the full value of their achievement and its recognition. They are well educated about their transition to "womanhood" and look forward to what awaits them.⁵⁷

My conclusion is,

(c2) Therefore, there is no justification for Female Genital Mutilation.

In Summary

I have attempted to demonstrate that female genital mutilation is wrong due to its oppressive nature. In doing so, I have concentrated on the psychological harm of FGM and the learned helplessness that results from this tradition. I agree with Noddings, that the helplessness, separation, and pain that result from FGM point to a real evil. When evil is recognized as such, anyone who knowingly supports it, or allows it to pass unchallenged is in part morally responsible. If men are aware of the FGM-supporting traditions in their tribes and know what such practices lead to, the claim of ignorance is no longer relevant. FGM leads to unconscionable consequences. I have concentrated on Nussbaum's capability argument applied to the act and effects (physical and psychological) of FGM. Nussbaum's *central human functional capabilities* ought to be respected and not violated and to the extent that it is, as in the case of FGM, it is oppressive. Each and every human being should have the potential to take one's capabilities to the level that she or he desires. As deployed here Nussbaum's approach allows people to make such choices in a meaningful way, to knowingly act as they wish, as long as they do not destroy the conditions for human flourishing of others. FGM systematically undermines and destroys a basic human capability on the basis of one's membership in a group (women), to the detriment of the members of that group, and so is oppressive. The underlying assumptions about FGM are unacceptable—that women are not capable of controlling their sexuality. Stereotyping, alienation, and sexual objectification are other practices that contribute to making FGM psychologically oppressive. There are no morally justifiable reasons for FGM and a multitude of reasons against it; female genital mutilation is an oppressive practice, a moral wrongdoing and must be stopped.

Endnotes

*Special thanks goes to Michael Taylor for commenting on earlier versions of this paper and Lee Basham for many conversations.

1. Martha Nussbaum. *Sex and Social Justice* (SSJ). (New York: Oxford University Press, 1999), p. 120.

2. Ibid, p. 118.

3. Ibid, p. 118.

4. Sally Sheldon, and Stephen Wilkinson. "Female Genital Mutilation And Cosmetic Surgery: Regulating non-therapeutic Body Modification," in *Bioethics*. Vol. 12, number 4. (October, 1998). Oxford: Blackwell Publisher. p. 27

5. Ibid, p. 127.

6. Sandra Lee Bartky. "On Psychological Oppression," in *Social Justice in a Diverse Society*. Edited by Rita C. Manning and Rene' Trujillo (California: Mayfield Company, 1996), p. 133.

7. Marilyn Frye. "Oppression," in *Social Justice in a Diverse Society*, edited by Rita C. Manning and Rene' Trujillo (California: Mayfield Publishing Company, 1996), p. 122.

8. Ibid, p. 123.

9. Nussbaum, SSJ, p. 125.

10. *Prima facie*, if two acts achieve the same goal, and one causes more harm than other, we are morally obligated to do what is less harmful.

11. Joyce Mitchell Cook, paper delivered at "Philosophy and the Black Liberation Struggle Conference", University of Illinois, Chicago Circle. November 19-20, 1970.

12. Martha Nussbaum. *Women and Human Development* (WHD). (Cambridge: Cambridge University Press, 2000), p. 2. Though there are many activist groups in many different countries helping and educating the masses, the individual girl does not have much hope of being the one who is not mutilated.

13. Bartky, *On Psychological Oppression*, p. 128.

14. Nussbaum, SSJ, p. 124.

15. Ibid, 124. As much as women support this practice, it shows the intense level of internalizing oppression and to some extent that those women could do something about it and didn't may be morally responsible.

16. Ibid, p. 44. Nussbaum distinguishes between three kinds of capabilities that must be considered in our analysis of having a good life. The one that is being taken away here is of the second kind the "internal capability: states of the person herself that are, as far as the

person herself is concerned, sufficient conditions for the exercises of the requisite functions. A woman who has not suffered genital mutilation has the internal capability for sexual pleasure;...”

17. The misinformation could be that “FGM is the only way to keep tribal identity, FGM leads to good health, that this is the only way to be introduced to womanhood, or that FGM is a religious requirement.” I argued that the reasons given are false and false beliefs do lead to actions that are faulty and/ or morally suspect.

18. Frye, *On Oppression*, p. 123.

19. Those lost or effected capabilities are, “life, bodily health, bodily integrity, emotions” and perhaps “play”. “Practical reason”, the capability to choose one’s human good is also oppressed as one undergoes FGM.

20. People can get educated about these opportunities though at one time in their lives they were ignorant of their existence.

21. Nussbaum, WHD, p. 78-80.

22. Bartky, *On Psychological Oppression*, p. 133.

23. Frye, *On Oppression*, p. 123-124 This is not to say that handicapped children are not oppressed, or that they could not be oppressed because of their lack of capability(ies). I only mean that the fact that they lack these capabilities is not a symptom of oppression. It is a result of the “natural lottery”. FGM is a product of the “social lottery”; it is both a result of oppression and results in oppression. Of course, handicapped children could lack some capabilities due to lack of available resources that would allow them to develop those capabilities. In those cases, lack of capability would be a form of oppression if the resources were easily supplied.

24. Nussbaum, WHD, p. 74.

25. Nussbaum, SSJ, p. 41.

26. *Ibid.* p. 42.

27. Women in FGM-practicing communities could and many do exchange security against sexual assault, or any other violence by giving up the opportunity for sexual pleasures but when that happens, one must be alarmed about the situation—Nussbaum claims that a “tragedy” has happened here. We should not have to give up what makes us humans to gain social good (Nussbaum, WHD, p. 81).

28. This disaster could make him improve the quality of his life by deciding to become enlightened in some spiritual way or become a kinder person but that is the case where all else is not equal. He has changed the way he thinks about his life and what matters in life. If he remains in the same mind set, he could be destroyed by what has happened to him.

29. Nussbaum, WHD, p. 81.

30. Bartky, *On Psychological Oppression*, p. 129-130.
31. Stephanie Welsh, "The Right of Passage," in *The Nation*, May 7, 1995.
32. Loretta M. Kopelman. "Female Circumcision/Genital Mutilation and Ethical Relativism," in *Moral Relativism*. Edited by Paul K. Moser and Thomas L. Careson. (Oxford: Oxford University Press, 2001), p. 316
33. Bartky, *On Oppression*, p. 128.
34. Although FGM is not practiced in India, the situation for women who have lost their husbands could be worse. They could actually become cremated along with their deceased husbands (Nussbaum, WHD, p. 192).
35. Depending of how the child is resisting it takes the help of 4 or 5 grown adult men or women to hold these children down while their genitals are being mutilated (Nussbaum, SSJ, p. 118).
36. Martin E.P. Seligman, *Learned Optimism* (New York: Simon & Schuster Inc., 1990), p. 15, 23-25.
37. Bartky, *On Oppression*, p. 133.
38. Nel Noddings, "Education and the Transformation of Consciousness: Educating for a morality of Evil," in *Social Justice in a Diverse Society*, edited by Rita Manning and Rene` Trujillo (California: Mayfield Publishing Company, 1996), p. 360.
39. Noddings suggest that helplessness is a sign of evil. However, not all helplessness is evil. I could feel helpless in the fact that I cannot get to work on time but this does not necessarily make it an immoral act. What makes an act such as FGM immoral is the fact that the helplessness that results from it occurs as a result of an avoidable intentional social practice (already established), and that's why the helplessness is evil.
40. James Rachels. *Elements of Moral Philosophy*, 3rd edition (United States of America: McGraw-Hill Companies, 1999), p. 31.
41. Nahid Toubia, and S. Izett. *Female Genital Mutilation: An Overview* (Geneva: World Health Organization, 1998), p. 11.
42. Noddings, *Education and the Transformation of Consciousness: Educating for a Morality of Evil*, p. 360.
43. Nussbaum, SSJ, p. 30.
44. Will Kymlicka, *Liberalism, Community and Culture* (Oxford: Oxford University Press, 1989), p. 165.
45. Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Oxford University Press, 1995), p. 92.
46. Susan Moller Okin. "Is multiculturalism Bad for Women?," in *Is Multiculturalism Bad for Women?* edited by Joshua Cohen, Matthew

Howard, and Martha C. Nussbaum. (Princeton: Princeton University Press, 1999), p. 22.

47. As Nussbaum points out, to decide one's place in society and to choose our place in a society is also one of the basic human functioning capabilities.

48. Nussbaum, WHD, p. 115. This is what Nussbaum calls "adaptive preferences".

49. Ibid, p. 136-137.

50. This could apply to some of the male and female proponents of FGM.

51. Nussbaum, WHD, p. 124.

52. Ibid, p. 126.

53. Told by a battered woman (Nussbaum, WHD, p. 2).

54. Ibid, p. 126.

55. Nussbaum points out, when in India the government made some laws for women's education, many did not take it very seriously because they didn't believe that it would do them any good. As a matter of fact, they saw it as just another way to make their husbands mad at them. Those rights and choices were not real to those women (WHD, p. 43). As mentioned FGM is illegal in most of the countries in which it is practiced but these regulations are for the most part ignored. All too often women don't really believe that those laws could do them any good, and they are right. Once someone has been circumcised the laws cannot recover what is lost for her. What has to be done is to better educate the people who practice it.

56. This is a sign of an ineffective law. The laws against FGM need better enforcement, part of which could include stiffer penalties.

57. Eve Ensler, the author of *Vagina Monologue*, in an interview about her trip to Africa.