

DEVELOPING NORMATIVE CONSENSUS: HOW THE “INTERNATIONAL SCENE” RESHAPES THE DEBATE OVER INTERNAL AND EXTERNAL CRITICISM

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Can we ever justly critique the norms and practices of another culture? When activists or policy-makers decide that one culture's traditional practice is harmful and needs to be eradicated, does it matter whether they are members of that culture? Given the history of imperialism, many argue that any critique of another culture's practices must be internal. Others argue that we can appeal to a universal standard of human wellbeing to determine whether or not a particular practice is legitimate or whether it should be eradicated. In this paper, I use the FGC eradication campaigns of the 1980s to show that the internal/external divide is complicated by the interconnectedness of these debates on the international level. As the line blurs between internal and external criticism and interventions, new questions emerge about the representativeness of global institutions.

IS THERE ever a just way to critique the practices of another culture? What are the conditions of the possibility of such a critique? Are critical interventions legitimate only when they are internal to a particular culture, or as Amartya Sen and Martha Nussbaum contend, are there always internal streams of dissent into which external forces can tap? (Nussbaum and Sen, 1989)

To understand the practical force of the theoretical debate between internal and external criticism, I will examine the case of the FGC¹ debates in the 1980s and 1990s. From a Western perspective, FGC is a paradigm case of an act that is clearly morally wrong. It is nearly impossible, from a Western perspective, to learn about FGC, the practice of clitoridectomy, without horror. We hear of such practices and we feel the need to critique, to act, to outlaw, to save, to intervene. However, such interventions are not always effective and are often unwelcome. In an increasingly globalized world, where the practices that horrify Westerners provide fodder for sensationalist journalism and serve as convenient justifications for military or policy intervention, critiques of non-Western cultural practices are charged with cultural insensitivity at best and imperialism at worst.

In this paper I will argue that even issues which are understood as just plain wrong from an external position still need to be addressed on the basis of internal values and concepts. However, as I think the history of the FGC debate shows (and I will show below), the internal/external divide is complicated by the interconnectedness of internal and external debates on the international level. Whether criticism is internal or external is difficult to determine, and in some cases the provenance of a particular critique is impossible to identify. It may be impossible to say at this point in history that only internal criticism of cultural practices is

¹ I will use the term ‘FGC’ for the variety of practices at issue, including clitoridectomy and infibulation.

permitted, since the boundary between inside and outside of a culture is crossed every day by media, international aid and development workers, trade representatives, etc. Finally, I will argue that whether criticism of cultural practices is justified internally and externally is a question separable from the justice of interventions to eradicate criticized practices. Justifiable criticism, internal and external ought to serve as the basis of action only through a just, inclusive and democratic process. Criticism, whether internal or external, given the difference in judgment among individuals and groups, may never be eliminable, nor should it. Only through inclusive democratic institutions can critiques of particular practices be justly weighed, and solutions defined. If that process is internal to a state, then external intervention may be unjust. However, if that process is international, external intervention may be justifiable. Criticism of non-western practices too often has foreshadowed armed intervention. The legacy of colonialism explains part of the resistance to Western criticism of non-Western norms and practices.

Through examining the positions of philosophers and legal theorists in the FGC debates I will show how the history of colonial interventions shapes the debate over the creation of ‘universal norms’ such as the positive promotion of human rights and campaigns to eradicate harmful practices. I will argue that solving the problem of FGC does not require better universal norms, but instead necessitates inclusive and participatory democratic structures both nationally and internationally.

FGC seems to represent a head-on collision between Western values and a traditional practice still extant and accepted by African women in some countries. It is nearly impossible to be a good western subject, a good feminist, etc. and not understand something called female genital cutting or female genital mutilation as the worst kind of abuse. (Nussbaum, 1999, 122-124) Yet it is a centuries old practice, which, even in recent studies is understood as a necessary part of life for men and women throughout the areas where it is practiced. (Boyle, 2003) FGC has been important both for international interventionist policies, and as an issue for African immigrants who import the practice to their new locations in Western countries, like France, Britain and the United States. As Isabelle Gunning writes, “Culturally challenging practices like female genital surgery represent crucial areas of multicultural dialogue for feminists applying international human rights law to the specific concerns of women.” (Gunning, 1992, 247) While FGC is viewed with revulsion and horror in a western context, Elizabeth Heger Boyle suggests that, “Female genital operations enjoy wide community acceptance in practicing cultures.” (Boyle, 2003, 791) What appears to one group as a clear moral wrong is accepted as unproblematic by its practitioners and participants. When Western feminists and international human rights organizations sought to eradicate these practices, their interventions were resisted.

I. FGC – A History of Failed Interventions

In this section, I will set out the debates over FGC, and I will show how strategies to critique and eradicate the practice have evolved. FGC debates have not developed in a vacuum. For some, eradicating FGC is a feminist political project. For others it is a

humanitarian development project. It represents to others another paternalistic, neo-colonial Western intervention, which has little to do with helping women. Western feminists and development theorists were mobilized by key texts in feminist theory and anthropology, including: Mary Daly's *Gyn/Ecology*, 1978; Frank Hoskens, *Female Sexual Mutilations: The Facts and Proposals for Action*, 1980; Lightfoot-Klein's *Prisoners of Ritual: An Odyssey into Female Genital Circumcision in Africa*, 1989; and Alice Walker's, *Possessing the Secret of Joy*, 1992, followed by Pratibha Parmar and Alice Walker's film *Warrior Marks* (1993).

The history of FGC eradication campaigns is a history of failed interventions. British colonial powers in the Sudan and the Church of Scotland in Kenya spearheaded the earliest interventions in the 1920s and 30s. In 1943 the British criminalized FGC in the Sudan. Elizabeth Heger Boyle describes the results of this criminalization in her book *Female Genital Cutting: Cultural Conflict in the Global Community*. She writes, "...as with earlier efforts in Kenya, the law once again politicized the issue and, rather than reducing the practice, led to the collective and secret circumcision of many girls in a short period." (Boyle, 2003,791) One early text supporting FGC as a traditional practice, and arguing that western attempts to eradicate it were part of a neo-colonial project was that of the first president of Kenya, Jomo Kenyatta in his book, *Facing Mount Kenya* (1938).

In the early years of the post-World War II international governmental institutions, such as the United Nations and the World Health Organization, state interventions on the basis of 'cultural matters' were discouraged. (*Ibid.*, 40) In 1959 the WHO Yearbook claimed that the practice of FGC was outside its purview because it was of a "social and cultural rather than a medical nature." (*Ibid.*, 251) Boyle writes, "For decades, the belief that cultural matters were domestic matters foreclosed the international intervention to eradicate FGC." (*Ibid.*, 44) By the late 1970s, FGC and other cultural issues had become open to international intervention, partially due to the change in strategies and increase in power of international institutions.

Western feminists brought FGC into the international spotlight at the U.N. Decade for Women Conference held in Copenhagen in 1980. At Copenhagen, Fran Hoskens and others involved in the 'Women's International Network', insisted on calling FGC 'mutilation'. African delegates referred to the practice as 'female circumcision' and objected to the phrases 'mutilation' and 'female genital mutilation' as inflammatory. African delegates agreed that FGC elimination, while important, wasn't a priority. Famine and disease made food security and clean water bigger concerns for their communities. This clash over FGC drove a wedge between Western feminists and the African delegates. (Oyewumi, 2003, 32) By discounting African feminists' priorities, Western feminists involved in the FGC eradication campaign, eschewed solidarity with African women. Instead, they aligned themselves with top-down coercive strategies bringing to bear the power of Western-dominated international institutions on African countries. Boyle describes this strategic move on the part of Western feminists and how outsiders viewed the campaign. She writes, "Rather than resist international norms, Westerners enthusiastically embraced them – to the point of assertively challenging any hint of deviation from those norms. The manner in which the US targeted FGC reinforced the 'superiority' of Western values

in the global system.” (Boyle, 2003, 113) After Copenhagen, FGC became a battle over who would be able to dominate global discussions of goals for African development. African delegates boycotted the rest of the conference for its insensitivity to African perspectives. Oyeronke Oyewumi writes, “It became clear during the conferences that commemorated the decade that the ideals and norms of Western feminism were the new standards by which feminists from other parts of the world would be judged. The resistance of third world feminist delegates to these conferences underlined the inappropriateness of the assumption that identical development standards can be fashioned for all women at all times in all parts of the world.” (Okome, 2003, 89)

In 1979, the U.N. started holding hearings on FGC, but did not take up the gender critiques of patriarchy of feminist activists; instead, they took up critiques of FGC on medical grounds. In 1979 the WHO classified FGC as a “traditional practice affecting the health of women and children,” (Okome, 2003, 48) transforming it into a public health issue. Medical intervention was seen as apolitical and resistance to it irrational. Beginning in the early 1980s, Western countries began passing anti-FGC ordinances. Sweden became the first country to ban the practice in 1982, and in 1985 France began prosecuting FGC cases as child abuse. The U.S. passed anti-FGC legislation in 1996 in response to a much-publicized asylum case of a woman from Togo who was seeking political asylum on the basis of FGC.²

By the mid-1990s, the international community shifted away from a concern with national sovereignty in cultural matters, and the gender critique of FGC again came to the fore. Amnesty International identified FGC as a human rights violation and the IMF and World Bank linked development aid to FGC reform.³ Countries where FGC was practiced and which relied on international aid and support tended to choose health and social policy reform rather than criminalization to eradicate FGC.⁴ More powerful countries, like Egypt, which could resist international pressure, moved more slowly in their eradication campaigns. However, Egypt was not immune to all forms of international pressure. In 1994, CNN broadcast a live circumcision being performed in Egypt while the International Conference on Population and Development was being held in Cairo. Although Egypt already had laws banning FGC, the practice was widely supported and anti-FGC statutes were rarely enforced. Following the events of 1994 debates over criminalization of the practice raged as anti-Western forces took up the issue as a mark of resistance. A fatwa supporting FGC practices followed CNNs broadcast and the Egyptian government’s perceived ‘caving’ to Western forces.⁵

In the intervening decades, a number of international human rights instruments have emerged as tools for feminist arguing against FGC, including: CEDAW (1980), the Convention on the Rights of the Child (1980), the Beijing Declaration and Platform for Action (1995), the 1994 Plan of Action for the Elimination of Harmful

² Schroeder-Reid, *anti-FGC Bill*, 1996, part of Department of Defense Omnibus Appropriations Bill. Public Law No. 104-208, 110 Stat.3009-708.

³ *Ibid.*, 42.

⁴ *Ibid.*, 101.

⁵ *Ibid.*, 74.

Traditional Practices Affecting the Health of Women and Children. In 1997, the World Health Organization, United Nations Children's Fund and United Nations Population Fund, unveiled a joint 10-year plan to eliminate FGC within 3 generations. One of the three 'prongs' of the joint plan includes "de-medicalizing" the arguments against FGC, and framing it as a human rights violation.

1. Critiques of Feminist FGC Intervention

To make their case against FGC, Western feminists presented African women as victims of their culture, and argued that external interventions were necessary to eradicate this harmful practice. However, this was a picture that African women did not recognize. Oyeronke Oyewumi, one of the African feminists critical of FGC interventions, argues that Western feminists need to recognize African women as having power within their cultures. FGC practitioners are most often women, and the practice marks individual women as full adult members of their communities. Eradicating a practice so embedded in the context and meaning of the lives of individuals and their communities is no simple matter. By treating African women as pawns in a patriarchal system, or victims of torture, Western feminists disempowered and marginalized the very women they are trying to help.

2. Sensationalism and Backlash

Western feminists were unwilling to recognize that the African women gained much of their power from their cultural location, and that any increase in power would have to be negotiated partially in the terms of that culture. Legal theorists Isabelle Gunning and Kristin Savell argue that feminists in the FGC campaign were insensitive to culture, and seemingly unconcerned about coordinating their eradication efforts with those internal to the communities, which practiced FGC. Feminists sensationalized the practices for media attention and to gain political support, alienating themselves and the campaign from African women in practicing countries. The "arrogance" and "perceived disrespect" of western feminists for African women, "impedes dialogue and effectiveness." (Gunning, 1992, 230) Instead of coordinating with local groups, whose positions on FGC were more nuanced and included compromise measures, FGC campaigners continued to be absolutist, and seemed unable to mould their strategies and rhetoric to become effective in the communities where FGC was practiced. Gunning writes, "Because of the multicultural nature of the human rights system and the sensitivities of the issue, how the problem is presented and discussed increases in importance." (Gunning, 1992, 233) It seemed as if western feminists did not want to 'dilute' their message by making it relevant to the local context, and acceptable to local people. By failing to do so, they risked irrelevance, and made their continued interventions and invocations of international intervention seem more like coercion than political persuasion.

By misunderstanding and then sensationalizing the issue of FGC without being sensitive to the backlash that this caused within African women's communities, Western feminists in the FGC project alienated African women in a single-minded

crusade to eradicate the practice. As Savell writes, “Outsider criticism that is insensitive to local contexts may indeed be ultimately counter-productive by undermining the efforts of internal critics seeking to gain cultural legitimacy for their position.” (Savell, 1996, 817) By failing to appreciate the role of culture and of political context, Western feminists’ political tactics backfired, increasing resistance to the practice and alienating potential allies.

II. Learning from Failed Interventions

What can we learn from the mistakes made by feminist interventions in the FGC debates? Martha Nussbaum and Isabelle Gunning take up this question but propose quite different solutions. Legal theorist Isabelle Gunning focuses on the importance of culture, and proposes that Western feminists need to understand African women’s cultural and political context as well as their own to create a self-reflexive transnational feminist movement. Philosopher Martha Nussbaum agrees that understanding cultural context and self-reflexivity are important steps in a feminist intervention; however, she argues that there is still a place for universal theorizing.

1. The Capabilities Approach

Martha Nussbaum argues that without universal norms, external interventions and critiques are unjustified, and so she focuses her work on developing a universal normative political theory. Nussbaum’s version of the ‘Capabilities Approach’ sets out central human capabilities that every nation should protect. These capabilities include:

1. Life
2. Bodily health
3. Bodily integrity
4. Senses, imagination, thought
5. Emotions
6. Practical reason
7. Affiliation
8. Other species
9. Play
10. Control over one's environment (Nussbaum, 1999, 41-2)

Providing a ‘universal’ model of human flourishing, Nussbaum argues, is a necessary first step to identifying harmful norms and practices. Nussbaum recognizes that identifying a harmful practice and intervening in another’s culture or country to eradicate a practice are two quite different enterprises.

One of the major critiques of FGC interventions was the failure of Western feminists to understand and work within the contexts of African communities that practice FGC. In *Women and Human Development*, Nussbaum argues that interventions on behalf of women in other cultural contexts must be careful, and must be sensitive to the context and the self-understanding of those women. She argues

that, “we need to ask whether the framework we propose, if a single universal one, is sufficiently flexible to enable us to do justice to the human variety we find.” (Nussbaum, 2000, 40) She counsels Western feminists to be sensitive to cultural context, particularly in the case of what she calls ‘challenging cultural practices’. She writes (of the Indian context), “If Western feminists speak of Indian issues such as sati or dowry deaths, they will do so productively only if they understand the issues fully in their historical and cultural contexts.” (*Ibid*) Further, she offers the following general advice about contextual specificity and feminist theorizing: “In general, any productive feminism must be attentive to the issues that people really face and to the actual history of these issues, which is likely to be complex.” (*Ibid.*, 41)

In “Internal Criticism and the Indian Rationalist Tradition”, Nussbaum argues that the best strategies for inter-cultural criticism appeal to internal critiques of the culture which use internally-culturally shared norms and principles upon which to base their critique. Accordingly, to properly evaluate a culture, with an eye to criticism and change, one must take an internal critical position. (Nussbaum and Sen, 1989) Criticism, she argues, must be internal, using resources taken from within that tradition’s history and human experience. Indeed, only by appeal to commonly understood internal exemplars and ideals can one be effective in generating any kind of critical change. Nussbaum shows how internal criticism is more effective in changing social norms, and that any external criticism can rely on, learn from, and use critical elements in the culture itself to promote change. One can criticize from an external position, but in order to do so and be effective, one must ‘learn the language’ so to speak. Legitimate and effective external criticism and interventions require immersion in the culture in order to understand what the people of that culture value and what their practices mean in context. Nussbaum’s understanding of context and culture makes important use of the fact that cultures are not univocal, that there are strands of resistance within them which seem to appeal to the same goals and norms as those of the capabilities paradigm. With regard to how the capabilities are measured with respect to certain policy decisions, Nussbaum writes, “We cannot really see the meaning of an incident or a law without setting it in its context and history.” (Nussbaum, 2000, 9) Context provides the basis for judging whether something violates a capability or enhances a capability.

Nussbaum begins her theorizing from the problem of women’s situation in the developing world. Human development reports show that no country, according to measures of education, life expectancy or wealth, treats its women citizens as well as men citizens. (*Ibid.*, 2) In developing countries this disparity is worse because gender is correlated with poverty. (*Ibid.*, 3) She characterizes this situation as an “acute failure of human capabilities.” (*Ibid.*, 3) Nussbaum believes this situation unjust, and sets out to come up with a theory of justice that will take seriously the unjust conditions of a large percentage of women in the world.

A primary component of her program is the need to take each individual seriously as an end, not just a means to the ends of others. Justice for women, Nussbaum argues, cannot be achieved through justice for communities or families. The long history of women’s needs and interests being subordinated to those of the family or community means that the wellbeing of the group may come at the expense

of the wellbeing of individual women. Nussbaum espouses political liberalism, a view that takes individuals as the basic units of justice. She argues that, despite its critics, liberalism offers “a form of universalism that is sensitive to pluralism and cultural difference; in this way it enables us to answer the most powerful objections to cross-cultural universals.” *Ibid.*, 8) Nussbaum’s articulation of human capabilities is meant to identify the core set of human capabilities that need to be protected, regardless of particular cultural norms. Because these capabilities are fundamental, they can be accepted or are already supported by a wide range of cultures. As already widely supported, Nussbaum proposes that they can be the basis of a cross-cultural normative standard, which can be differently realized in terms of functioning in different cultural contexts. Nussbaum writes:

My proposal is frankly universalist and ‘essentialist’. That is, it asks us to focus on what is common to all, rather than on differences (although, as we shall see, it does not neglect these), and to see some capabilities and functions as more central, more at the core of human life than others. Its primary opponents on the contemporary scene will be ‘anti-essentialists’ of many types, thinkers who urge us to begin not with sameness but with difference—both between women and men and across groups of women—and to seek norms defined relatively to a local context and locally held beliefs. (*Ibid.*, 63)

Nussbaum argues that attention to context is important, but that what is essential is the development of universal standards by which we can judge cultural practices to ensure that every individual is able to live a decent human life.

In *Sex and Social Justice* Nussbaum argues that liberal feminists have a moral responsibility not just to critique but to intervene in the struggle for women’s justice worldwide. Failure of a government to protect these capabilities would open up possibilities for external intervention. In “Judging Other Cultures” Nussbaum steps into the FGC debate, arguing that since FGC blocks central universal human capacities, it is a legitimate target for external international intervention. Nussbaum argues that since FGC violates a major capability, ‘Bodily Integrity’, it is a practice that should be banned. She defines ‘bodily integrity’ as, “Being able to move freely from place to place; being able to be secure against violent assault, including sexual assault; having opportunities for sexual satisfaction and for choice in matters of reproduction.” (Nussbaum, 1999, 41) Given the health risks involved in FGC, it could also be critiqued and banned as a violation of the capabilities protecting ‘life’ and ‘bodily health’. Despite her recognition of the importance of contextual negotiation of cultural change, Nussbaum judges FGC to be so harmful that the value of cooperation with practicing countries is nullified. In the case of FGC, universal norms, the capabilities trump the value of internal criticism. Nussbaum’s argument that ‘universal’ norms must exist in some form in every culture seems to provide a conveniently thin edge of the wedge justifying full-scale international interventions.

2. We Don’t Need Another Universal: the Dialectic of Universal and Particular in FGC Campaigns

One of the major critiques of western feminist intervention in the FGC debate was that they set themselves up as the universal and the standard, and judged African women and African cultures as ‘particular’ in relation to this universal. Isabelle Gunning, in her article “Arrogant Perception, World-Traveling, and Multicultural Feminism,” argues that Western feminists’ disavowal of the of the particularity of their culture is a common problem in such situations of cultural clash, where the Western theorist not only has the weight of history and power behind her theory, but also the ability to disavow this history and how the power was gained, thus speaking as a representative of the universal. Critics of the feminist FGC intervention do not argue that only internal critique is necessary or justified, since African feminists in particular, seem to have an understanding that the internal politics of their cultures are bound up with international norms and institutions and with histories of colonialism in such a way that the internal and external have always been interrelated. Rather, they suggest that external interventions should be cognizant of the internal cultural and political circumstances, and of the status of the external interveners’ cultural context and its relation to the internal cultural context into which they are intervening. This understanding of cultural context on both sides is important so that the intervention can be effective, so that it might improve the lives of women instead of making them more difficult by causing backlash.

While it appears at first that Nussbaum takes cultural context into consideration, a closer look reveals that while she takes the other person’s culture into consideration, she does not reflect on her own position as tied to a particular culture with a history. She believes that she can come up with universal norms from within her own cultural tradition which can be used to trump other cultural traditions and practices. In ignoring the context of her own culture and the history of setting up its values as universal, can we understand Nussbaum as engaging in ethnocentric theoretical practice? First, we should take a detour into the consideration of ‘positionality’, and what culture has to do with what one says, and how what one says is heard by others.

3. Positionality: The Role of Culture

While Nussbaum takes cultural relativist arguments and arguments from cultural imperialism seriously, she does not take into account the powerful role of culture and ‘internal’ political contexts in determining whether an argument is a good one, whether it can be politically effective or even heard in a particular context. In short, she does not attend sufficiently to the question of how context determines what a political argument or position means. What does it mean to be inside a culture, a member of a society, or part of a tradition, or a history? At the very least it means being part of a tradition of interpretation. To wit, being a member of a culture means coming to understand the world in terms of one’s culture. One is a part of a history, and this history shapes how one understands what events mean, and what institutions mean. This cultural understanding does not have to be univocal; the strands of interpretation that are available within a culture may be rich. However, the arguments between different groups within a country themselves have a history. The meaning, efficacy, and weight of a set of reasons or justifications must deal with this historical,

political, cultural context. Where one is located, the political and cultural context in which one lives and wages political battles, influences the kinds of things one can argue for and the kinds of reasons that one appeals to in order to justify one's position. This is the case both for Nussbaum, who appeals to the tradition of liberal theory and to the history of justifications for some kinds of policies which focus on individual, as well as for Muslim feminists who appeal to the Koran or to sharia law to justify their positions and reform policy.

Nussbaum understands that cultures are different, and so argues that the capabilities that she champions may be multiply realizable. However, recognizing this important point about cultural difference should allow her to see that different types of theorizing and argument from a different set of premises may be necessary in different cultural, historical, political settings. Cultural specificity, and different histories may make people from different cultures see things in different ways, argue on the basis of different historical evidence, and view certain kinds of theorizing and justification as illegitimate. In this line of thinking there is a general argument that what counts as a reason depends on the context in which one is arguing, but I wish to make no claims about cultural relativism or rationality. Political arguments tend to draw from evidence which is historically and affectively motivating, as well rationally justified. The process of reasoning may well be universal, but what count as reasons vary from context to context. To be effective and legitimate, critics must take their historical, political, and cultural context into consideration.

Following Uma Narayan, it seems that keeping a scorecard tallying which argument comes from within a culture, to which comes from without is not only unwise, it may be impossible. (Narayan, 1997) Identifying which ideas are internal, and which ideas are external may not be that important, but determining which ideas are *politically effective* does require understanding the internal context of a culture/state/region. Further, understanding the external relations of that state, and how the internal debate plays on the international level (external) is important, given the power of the international political scene on the developments in particularly post-colonial nations. Marxist rhetoric, while powerful internally to many post-colonial nations, may get one in trouble with the international community, and thus may have no small economic or military consequences.

Perhaps the difference between creating norms and identifying cultural universals is just a difference in language – but it is a difference of language and practice that matters at the international level, where worries about western hegemony persist, and the language of universals developed from a western tradition are viewed with skepticism. However, if a genuine multicultural dialogue is necessary to create global consensus on norms, then perhaps not only the language of international normative political theorizing must change, but there must be change at the level of international institutions, in terms of the degree of participation of those countries which are affected by them. Recommendations should include not just suggestions for how to argue in an international context, but recommendations for how the international structures should be changed in order to allow these recommendations to take hold.

If we are to create legally binding norms in international forums, then the legitimacy of those norms depends on the degree of representation and involvement

of those affected by these decisions. Since African women and the countries they inhabit are generally underrepresented in such global forums, the legitimacy of decisions is questionable. By excluding African women from democratic participation in the decisions that affect their lives, global feminist or human rights interventions further disempower the women their campaigns seek to help. Democratic reform of international institutions and the inclusion of underrepresented groups, particularly women, should be a focus for feminist activism insofar as such representation affects the legitimacy of internationally supported feminist reforms.

4. FGC, External Intervention and the International System

External interventions in the case of FGC raise both strategic and legitimacy questions. The strategic questions focus on what kinds of appeals will be effective in particular contexts. The legitimacy question – what kinds of appeals are legitimate, in a particular context, and simpliciter. Clearly, the two elements of the intervention question – the strategic and the legitimacy question are important for Nussbaum. But when we look at questions of how to eradicate a particular practice as part of a global political strategy, it then becomes clear that in particular circumstances, the strategic and legitimacy questions intertwine. However, when we are talking about international intervention, a global political movement, or global forces which intersect internal or local debates in a variety of ways, appeals to ‘local’ or internal standards are not as precise as they may seem. Arguments that only internal criticism of cultural practices is justified are undermined by the fluidity of the boundaries between the national and the international, the historical interconnection through colonialism and global trade, and the international connection through existing and emerging international institutions. Powerful Western countries often dominate international institutions, like the U.N. Although the U.N. may have little coercive power against stronger nations, its language of human rights and its regime of conventions and treaties form a normative language to which both internal and external critics of traditional practices appeal.

The U.N. is an international body where social, political, and economic norms are created through the creation of international conventions which member states sign. Thus, any state that is a member of the U.N. has not only its internal cultural background and internal political scene but also its connection to the international context. The level of power of the international norms at the national level depends on historical, economic, and political factors. Economically, if one is currently receiving aid from an international institution, the pressure to conform to international norms will be stronger, although internal resistance to such conformity may also be high. In terms of political situation, if one’s country has been invaded by another more powerful state with greater representation and power at the international level, support for international norms may waver. Historically, if one’s state is a former colony of one of the major powers, then one’s system may have been modeled on that of the former colonial power. This may lead to deeper connections with the norms of that power, or greater resistance to international bodies whose norms have been substantially created by that former colonial power. Often, cultural, economic and

political ties between former colonies and their former imperial power are complex, contentious and sometimes extremely powerful.

For most countries, their internal political scene is in some ways formed (either in conformity, or in resistance) to international norms, and thus there may be an element of what is generally understood to be 'external' operating at the level of the 'internal' political scene. The existence of this external in the internal undermines arguments that only internal criticism is valid, since external norms filter through to the national or internal level already. This is not to say that there is a strong consensus at the international level, or that all countries involved support developments on the international level.

The 'international scene' is not a party of equals. Not all members of the international community of nations are equal. Poor nations are expected to and often economically coerced into accepted treaties, conventions and protocols to which they have been allowed to make little contribution. More powerful nations have a greater voice in international institutions and rarely act as disinterested parties. The very instruments of international consensus, treaties, conventions, and protocols are subject to self-interested interpretation by powerful countries. Powerful countries can ignore norms by which poorer countries are bound. Since the apparatus of international governance is dominated by more powerful states, it is no wonder its conventions and normative regime are viewed skeptically by poor countries.

Although the existence of this international regime of rights blurs the line between internal and external criticism of traditional practices, providing ground for internal and external interventions, the imbalance in power with respect to those who develop the norms (which are then used as conditions for intervention) and those who must accept the norms to be part of the international community (thus making the external grounds of criticism justifiably available internally) undermines the legitimacy of these international norms, such that they can still be understood as 'external' even to those countries who might sign on to an international treaty. The coercion, based on an imbalance of power at the international level, undermines the legitimacy of international norms. Those with the power to intervene and to shape international consensus have the power to impress upon others their ways of life, their values, and their traditions. How can trust be built in such interactions? How can the international community and development efforts be seen as something other than a tool of the West in general or of the U.S. in particular? What has caused the varieties of backlash against western imposed values, constitutional commitments, etc? Both Gunning and Kristin Savell have proposed reforming the international normative consensus building process on the model of a multi-cultural dialogue, creating ground on which inter-cultural understanding can lead to development of shared international norms. (Savell, 1997, 781) Building democratic institutions at the level of the global builds trust, provides legitimacy for intercultural critique and sets the stage for transnational cooperation that goes beyond the dichotomy of internal and external criticism.

5. The International Public Sphere

We do not yet have a robust participatory international public sphere where the peoples of the world can come together and decide the future of their shared world. At present, a portion of the world's political elites come together, with differential power, and trade papers and sign non-binding conventions. The international arena, itself a product of Western history and a kind of universal-political theorizing, is still dominated by rich Western countries, for the most part. The U.S. tends not to sign on to important and popular conventions (CEDAW being a glaring example), and so undermines the power and effectiveness of this international forum. Greater cooperation of all the world's countries, especially the richest and most powerful, and reformed processes by which greater participation of non-elites within these countries have greater access and input in the process are needed for this potential arena for normative consensus building to be just and effective.

If we were able to answer this call to reform international institutions, to make them more democratic, to view the work of the international forums in terms of a multicultural dialogue aiming at developing normative consensus, then we would go a long way toward answering the critiques of those who charge Western interventions with ethnocentrism, imperialism, etc., in the international sphere, by opening this sphere up to a broader range of the world's population, and making them more genuinely representative bodies, and less as mouthpieces for Western hegemony. There is an entirely separate question about the political will to make this democratization of the U.N. happen, and this is something that is not outside of the issues in this paper, but in fact goes to the heart of what is problematic about Western normative political theorizing in a universalist vein. If our values, expressed through normative political theories like Nussbaum's, were really able to compete with those of other cultures on an equal footing, then perhaps other capabilities would come to the fore. Calling a theory 'universal' does not make it so. So, perhaps we should stop calling the theories which arise out of our particular tradition 'universal', and argue that members of other cultures should adopt them on bases that might be acceptable to them. By doing so we can create consensus rather than whitewash genuine differences under the banner of universality.

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