

# RESPECTING WOMEN'S LIVES AND INVESTIGATING WOMEN'S CONSCIOUSNESS: A COMMENT ON OBIORA

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*Curiosity is not trivial; it is the respect one life pays to another. It is a largeness of mind and heart that refuses to be bounded by decorum or by desperation.*

Joan Nestle<sup>1</sup>

Leslye Obiora teaches us many things about responding to the practice, or more appropriately, the practices, of ritual female circumcision.<sup>2</sup> But her article also contributes sensitively and insightfully to a wider debate about how to evaluate women's agency under circumstances of oppression. Her focus on the varieties of circumcision, and the meanings ascribed to them by participants, points toward a relatively untrod middle ground where the self-understandings of women involved in the practice can be probed, without pre-understandings or unwarranted assumptions. I salute Obiora's respectful and persistently curious mode of investigation. My concern is that the careful contextuality she brings to her analysis of the issue may suggest—quite contrary to her inten-

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† Professor of Law, Northwestern University Law School. I want to thank Jane Larson for a thought-provoking and useful conversation on the subject of this article, and for encouraging me to reflect on the domestic applications of Obiora's thesis. I would also like to thank the many students in my "Gender Discrimination" and "Coercion and Agency" seminars who have helped me to appreciate the intricacies and the insights of "The Fem Question."

1. Joan Nestle, *The Fem Question*, in PLEASURE AND DANGER 232, 234 (Carole S.Vance ed., 2d ed. 1992).

2. See, L. Amede Obiora, *Bridges and Barricades: Rethinking Polemics and Intransigence in the Campaign Against Female Circumcision*, 47 CASE W. RES. L. REV. 275 (1997).

tion, I believe—that this kind of investigation should be reserved for feminist theorizing across the sizeable chasm of international cultural difference. American (or “Western”) culture is not so unified or homogeneous that we can afford to neglect her point in analyzing the lives of women to whom we are ostensibly more culturally proximate. Thus in this comment, I will reflect on the application of elements of Obiora’s method to the practices of a subgroup within American culture. I will do so by juxtaposing to Obiora’s argument a reading of Joan Nestle’s *The Fem Question*,<sup>3</sup> an essay which critically examines the charges of “false consciousness” levelled by feminists against lesbians who are fems.<sup>4</sup> Juxtaposing *The Fem Question* in this way will serve two goals. First, it will demonstrate that Professor Obiora’s approach applies as well to feminist debates of an intra-cultural nature. Second, and perhaps more importantly, it will help to clarify or elaborate the component parts of Obiora’s approach. Such elaboration may help feminists to proceed prospectively when we confront a charge that a particular practice is self-subordinating, or that a particular group of women suffer from compromised agency or “false consciousness.”

It is important to acknowledge some salient differences between Obiora’s investigatory enterprise and that of Nestle. Obiora examines a practice whose opposition springs not only from a (mis)application of feminist tenets, but from a tension between philosophical frameworks: between individualism and

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3. See Nestle, *supra* note 2.

4. In a larger sense, Nestle’s entire essay is devoted to defining what it means to be a fem. But by way of more concise or introductory definition, Nestle says the following:

Before I continue, my editor wants me to define the term butch-fem, and I am overwhelmed at the complexity of the task. Living a butch-fem life was not an intellectual exercise; it was not a set of theories. Deep in my gut I know what being a fem has meant to me, but it is very hard to articulate this identity in a way that does justice to its fullest nature and yet answers the questions of a curious reader. In the most basic terms, butch-fem means a way of looking, loving, and living that can be expressed by individuals, couples or a community. In the past, the butch has been labeled too simplistically the masculine partner and the fem her feminine counterpart. This labeling forgets two women who have developed their styles for specific erotic, emotional, and social reasons.

*Id.* at 232.

My point here is not to suggest any precise analogy between identifying as a fem and engaging in ritual female circumcision. The point of comparison between these two distinct modes of expressing female identification is that practitioners of both have been subject to claims of self-subordination, inauthenticity or false consciousness raised by other women, particularly those who identify as feminists.

communitarianism; between universalism and a more relativistic emphasis on cultural specificity.<sup>5</sup> Obiora's orientation is also more programmatic; she seeks to determine what should be *done* by governments and international and feminist organizations in regard to female circumcision. And unlike Nestle, whose goal is to encourage further inquiry into, and acceptance of, the range of butch-fem relationships,<sup>6</sup> Obiora is ultimately engaged in drawing distinctions; she seeks to curtail the more extreme and physically endangering practices while helping women to continue, under safer conditions, more limited forms of circumcision. Finally, the two authors position themselves differently as advocates. While Obiora writes from a position—as an African woman writing and teaching feminist theory in the West—that grounds her in the perspectives of both sets of participants, she does not identify herself as having been involved in the practice she investigates. Nestle, on the other hand, identifies herself as a fem<sup>7</sup> and draws important elements of her approach from her own experience.

Alongside these differences, however, is striking comparability. Both essays ask how we should assess women's agency in the context of practices some feminists assail as self-subordinating. The message in both cases is to inquire painstakingly into the contested practice, never letting prior assumptions—even feminist assumptions—prevent us from coming to terms with participants' own, often dissonant, interpretations. The similarity in their answers may

5. See Obiora, *supra* note 3, at 275-87.

6. See Nestle, *supra* note 2, at 239 (noting also that those seeking such an inquiry "are not the reactionary backlash against feminism," but rather "an outgrowth of the best of feminism, in a new time, trying to ask questions about taboo territories, trying to understand how women in the past and now have had the strength and the courage to express desire and resistance").

It appears that Nestle sees either less heterogeneity, or (more likely) less potential for harm in butch-fem relationships than Obiora does in female circumcision rituals. In addition her ultimate goal is to encourage a stance of "curiosity" rather than deterministic certainty in feminist observers, whereas Obiora's is to propose a particular programmatic approach to the question of female circumcision. As a result, Nestle does not engage in the line drawing between appropriate and inappropriate versions of the practice that Obiora does.

7. Nestle writes:

I am a fem and have been for over twenty-five years. I know the reaction this statement gets now: many lesbians dismiss me as a victim, a woman who could do nothing else because she didn't know any better, but the truth of my life tells a different story.

*Id.* at 232.

show how we often need to learn about subgroups even within our own culture.

This is not, however, a course that feminists have always followed. With respect to both female circumcision and butch-fem relationships, feminists serving the laudable goal of raising consciousness about the extent of women's coercion have substituted their judgment that such practices replicate coercive practices for the self-understandings of participants. Obiora notes:

Mindful of the fact that freedom lies in the ability to choose and fulfill one's desires, feminists unambiguously reject paternalism. Yet, it would seem that in convenient circumstances, some feminists are quick to impose certain choices on other women under the pretext that patriarchal hegemony and conditioning insidiously constitute and constrain these women's choices.

. . . .  
 . . . . [A] regrettable focus on determinism explains the inclination of some radical feminists to discount or marginalize the perspectives of African women who they perceive as merely condoning female circumcision.<sup>8</sup>

Similarly, Nestle writes:

One of the most deeply held opinions in feminism is that women should be autonomous and self-directed in defining their sexual desire, yet when a woman says, "This is my desire," feminists rush in to say, "No, no, it is the prick in your head; women should not desire that act." But we do not yet know enough at all about what women—any women—desire. The real problem here is that we stopped asking questions so early in the lesbian and feminist movement, that we rushed to erect what appeared to be answers into the formidable and rigid edifice that it is now.<sup>9</sup>

For both, the task is to rehabilitate these questions and the desire to ask them: to temper the feminist message of far-reaching patriar-

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8. Obiora, *supra* note 3, at 313, 316-17. Obiora also notes that some feminist critics appear to have assimilated devaluative stereotypes of African women, perhaps exacerbating their tendency to discount these women's perspectives on their own experience. *See id.* at 323-28 (noting that Mary Daly "relies on and reinforces overt and subliminal racist sentiments" and that Alice Walker "bemoans what she perceives as the pathetic demeanor of the women she encountered on the streets of Africa").

9. Nestle, *supra* note 2, at 234.

chal influence with a careful uncovering of internal perspectives on a contested practice.

The first step is to explore the history of the practice; for a history may uncover meanings that are not evident in the contemporary context, or may explain why participants cling to controversial practices with tenacity.<sup>10</sup> Significantly, a history may expose a quality of resistance or solidarity in the practice that sheds a different light on the question of participants' agency. Obiora notes that, in Kenya, circumcision became implicated in the struggle against colonial domination. When a contemptuous British prohibition confined it to secrecy, it became a symbol of nationalistic resistance;<sup>11</sup> as some Africans were beginning to speak out about the dangers of circumcision, antagonistic intervention by colonial missionaries provoked a resistant reaffirmation of the practice.<sup>12</sup> Similarly, Nestle draws on a history enacted far closer to "home," but equally unfamiliar to most mainstream, heterosexual Americans. She surveys the history of butch-fem couples in combatting homophobic prejudice, a history that illuminates the courage and the sexual agency of the fem:

In the 1950s particularly, butch-fem couples were the front-line warriors against sexual bigotry. Because they were so visibly obvious, they suffered the brunt of street violence. The irony of social change has made a radical, sexual, political statement of the 1950s appear today as a reactionary, non-feminist experience. . . .

. . . .

Every time I speak at a lesbian-feminist gathering, I introduce myself as a fem who came out in the 1950s. . . . [I]t is the truth and therefore allows me to pay historical homage to my lesbian time and place, to the women who have slipped away, yet whose voices I still hear and whose V-necked sweaters and shiny loafers I still see. . . .

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10. The tenacious hold of some participants on the practice is an interesting point Obiora makes with respect to female circumcision. See Obiora, *supra* note 3, at 317 (women who have engaged in the practice of circumcision "convey a recalcitrance rather uncanny for victims of dismal abuse. Although attitudes regarding the practice appear to be gradually changing, there has been no *significant* decline in the practice").

11. *Id.* at 331 ("[British] interference with their esteemed cultural practice merely intensified [Kenyan] disillusionment, distrust, and resentment for the alien power.")

12. *Id.*

Butches and fems had an internal dialogue to work out, but when the police invaded our bars, when we were threatened with physical violence, when taunts and jeers followed us down the streets, this more subtle discussion was transformed into a monolithic front where both butch and fem struggled fiercely to protect each other against the attackers.<sup>13</sup>

A second element of the investigation is to explore the meanings ascribed to the practice by those who participate in it. This exploration may unearth meanings that have little reference to the hierarchy between men and women, or to those outside the immediate community; these meanings, in fact, may relate primarily or exclusively to the relationship between one woman engaged in the contested practice and another. Obiora surveys a range of meanings assigned by different groups of African women to female circumcision. While some of these meanings implicate male-female relationships, such as the belief that circumcision serves as birth control or attenuates sexual desire,<sup>14</sup> many more concern relations between women or the individual initiate and her larger community:

In communities that perform circumcision as an integral element of the rites of passage, one is not simply born a "woman." One becomes a respected person and an integrated female only after implementing the socially designated course to dignity and status. Initiates are removed from the common mass of humanity by a rite of separation that includes some form of circumcision. This rite automatically incorporates the initiate into a discrete community. . . . [and] serves the multiple purpose of expressing, inculcating and ensuring the maintenance of cultural values and identity.<sup>15</sup>

Even understandings that implicate male-female relations, such as the Chagga belief that circumcision cultivates the courage and endurance necessary to sustain labor pains, have other elements that relate primarily to the connections among women; "the mutual experience of pain helps to forge a cohesive bond and instill a strong spirit of solidarity and cooperative assistance in the initi-

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13. Nestle, *supra* note 2, at 232-37.

14. Obiora, *supra* note 3, at 297.

15. *Id.* at 295 (citations omitted).

ates."<sup>16</sup> In the end the Western reader may be surprised both by the variety of these understandings, and by the culturally distinct assumptions they convey.<sup>17</sup>

Similarly, the self-understandings of fem lesbians explored by Nestle have less to do with the external, heterosexual world than with a woman's expression of her sexual sense of self or with the intimate conversation between a woman and her partner. Nestle notes that "[a] fem is often seen as a lesbian acting like a straight woman who is not a feminist—a terrible misreading of self-presentation which turns a language of liberated desire into the silence of collaboration."<sup>18</sup> She continues:

If we dress to please ourselves and the other women to whom we want to announce our desire, we are called traitors by many of our own community, because we seem to be wearing the clothes of the enemy. Make-up, high heels, skirts, revealing clothes, even certain ways of holding the body are read as capitulation to patriarchal control of women's bodies. An accurate critique, if a woman feels uncomfortable or forced to present herself in this way, but this is not what I am doing when I feel sexually powerful and want to share it with other women.<sup>19</sup>

Despite the presence of an ostensibly shared cultural backdrop, the assumptions underlying this interpretation may seem unfamiliar to many observers. Nestle relates a revealing story:

In the Spring of 1982, Deborah, my lover, and I did the Lesbian Herstory Archives slide show at the Story Brook campus of SUNY. We were speaking to fifty women health workers, four of whom identified as lesbians. I wore a long lavender dress that made my body feel good and high, black boots that made me feel powerful. Deb was dressed in pants, shirt, vest and leather jacket. I led a two-hour discussion. . . . Finally one of the straight women said how

16. *Id.* at 296 (citation omitted).

17. Obiora notes that Western feminists may be unfamiliar, for example, with the more communitarian assumption underlying some forms of this practice—that by perpetuating or symbolizing their integration into the community, women express their personhood or assert themselves. *See id.* at 330 (noting also that “[s]ome of the Western cultural and ideological assumptions that underlie the anti-circumcision campaign may well be antithetical to the values and goals of these women”).

18. Nestle, *supra* note 2, at 236.

19. *Id.* at 235-36.

much easier it was to talk to me rather than to Deb, who was sitting at the side of the room. "I look more like you," she said pointing to me. She too was wearing a long dress and boots. Here my appearance, which was really an erotic conversation between Deb and myself, was transformed into a boundary line between us. I walked over to Deb, put my arm around her and drew her head into my breasts. "Yes," I said, "but it is the two of us together who make everything perfectly clear."<sup>20</sup>

The notion that dress and demeanor might be not only an expression of self, but a conversation with one's same-sex partner, specific to that relationship and not yoked to the norms of heterosexual pairings may seem as distant and counterintuitive to some as the understandings of initiation rites among the Chagga.

Both authors acknowledge the culturally complicated character of resistance, and the possibility that even practices experienced as constitutive or liberatory may contain elements of self-delusion or denial. Revealing and carefully specifying these more ambivalent elements is a third feature of their shared approach. From a dearth of other materials, or from a conscious desire to subvert mainstream images by infusing them with new meanings, oppressed groups may integrate dominant images, or resort to potentially injurious practices, in their expressions of resistance. Some Kenyan women may have recognized, for example, the dangers of the practice they affirmed in opposing the colonizing missionaries.<sup>21</sup> A similar, potentially risky strategy is implicit in the resistance of butch-fem lesbians. Using the language of colonization to characterize a domestic context, Nestle notes:

Colonization and the battle against it always poses a contradiction between appearances and deeper survivals. There is a need to reflect the colonizer's image back at him yet at the same time to keep alive what is a deep part of one's culture, even if it can be misunderstood by the oppressor, who omnipotently thinks he knows what he is seeing. Butch-fem carries all this cultural warfare with it.<sup>22</sup>

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20. *Id.* at 236-37 (footnote omitted).

21. *See supra* notes 10-11 and accompanying text.

22. Nestle, *supra* note 2, at 235.

There are also occasions when—beset by oppressive forces—women may mislead themselves or others about the meanings of their practices. After describing her style, to a single interlocutor, in an erotic conversation between herself and her partner, Nestle notes that she “returned to the center of the room and lied. ‘I wore this dress so you would listen to me but our real freedom is the day when I can wear a three-piece suit and tie and you will still hear my words.’”<sup>23</sup>

In order to confront the superficial similarities that had caused a straight woman to deny her lesbian difference, Nestle felt obliged to disown a choice she had made, not as a strategic speaker, but as a fem.<sup>24</sup> Yet, for Nestle such obfuscations are often paired with acts of self-revelation and courage. She notes one such paradox in responding to the claim that fems are engaged in “crime of passing, of trying to dissociate [themselves] from the androgynous lesbian.”<sup>25</sup> Nestle recalls:

In the earlier decades, many fems used their appearance to secure jobs that would allow their butch lovers to dress and live the way they both wanted her to. Her fem appearance allowed her to pass over into enemy lines to make economic survival possible. But when butches and fems of this style went out together, no one could accuse the fem of passing. In fact, the more extremely fem she was, the more obvious was their lesbianism and the more street danger they faced.<sup>26</sup>

In the minds of both authors these compromises lead not to a broad diagnosis of false consciousness, but rather to an understanding that agency and authenticity, particularly under circumstances of oppression, are necessarily partial and relative. As Obiora concludes:

23. *Id.* at 237.

24. *Id.* (“I found myself faced with the paradox of having to fight for one freedom at the price of another.”).

Nor, according to Nestle’s narrative, is she alone in her occasional lapse into a more conforming presentation of fem identity. Author Radclyffe Hall, despite her supportive and satisfying relationship with the fem Una Troubridge, offered a portrait of a fem in her novel *THE WELL OF LONELINESS* that virtually tracks the contemporaneous sexologists’ understanding of fem identity: as a “foolish,” unself-aware, incompletely lesbian woman, who can “easily be beckoned over into the right camp.” *Id.* at 238-39.

25. *Id.* at 236.

26. Nestle, *supra* note 2, at 236.

On one level, it is plausible to suggest that mature participants in genital surgery exhibit a considerable degree of awareness and instrumentality. At the very least, they are deploying cultural constructs within the confines of their realities to reach compelling self-affirming ends. On another level, it is conceivable that their ratification of, and complicity in, a potentially coercive transaction to validate culturally-imputed values bespeaks the gravity of their oppression. From this perspective, the exaltation of agency over submission is circular, insofar as a gender-based culture dictates the utilitarian and aesthetic values celebrated in circumcision. This dilemma underscores the inherent risk of polarizing the issue of agency and submission as if they are mutually exclusive absolutes. Women, like men, are culturally situated beings of inevitably relative autonomy; their responses are, to some extent, necessarily determined. As such, a more pressing consideration is the question of the circumstance and the degree of determinism.<sup>27</sup>

Both Obiora and Nestle are committed to demonstrating women's relative agency by a careful cataloguing of the occasions of compromise or constraint that color the broader patterns of self-direction. This candor not only makes them credible exponents of the practices they seek to illuminate, but it makes their claims more compelling against interpretations of crude determinism.

Underlying these shared elements is a sense of the stance that feminists should take toward unfamiliar, even paradoxical or contradictory, sexual practices. That stance is characterized by a curiosity that investigates the texture and meanings of women's lives, and a respect for those lives that substitutes eagerness to discover for certainty about what one will find there. The replacement of this curiosity by deterministic certainties threatens much that feminists have been able to achieve. Nestle notes:

Our contemporary lack of curiosity also affects our view of the past. We don't ask butch-fem women who they are; we tell them. We don't explore the social life of working class lesbian bars in the 1940s and 1950s; we simply assert that all those women were victims. . . . If we close down exploration, we will be forcing some women once again to

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27. Obiora, *supra* note 3, at 316.

live their sexual lives in a land of shame and guilt. . . . Curiosity builds bridges between women and between present and past; judgment builds the power of some over others.<sup>28</sup>

Obiora, who employs the metaphor of the bridge in her own title, expresses much the same idea:

Apparently, Western feminist interventions are motivated by the concept of "sisterhood" that [Mary] Daly equates to the mandate for "naming the crimes against [these African] women without paying mindless respect to the social fabric." At the very least, "sisterhood" equally counsels sensitivity to the dignity and intricate realities of the women.<sup>29</sup>

Work such as that of Obiora and Nestle shows the error of broad-based claims of compromised agency, and the importance of patient investigation, sympathetic consideration of unfamiliar rationales, and carefully drawn distinctions between more and less problematic categories of challenged practices. It also suggests that feminist curiosity, unbounded by decorum or desperation, should also not be limited to trans-cultural feminist disputes.

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28. Nestle, *supra* note 2, at 234.

29. Obiora, *supra* note 3, at 328 (citations omitted).

