

ERADICATING UNDESIRABLE CULTURAL OR RELIGIOUS PRACTICES THROUGH CRIMINALISATION: THE NEED FOR EQUITY IN THE CASE OF BODY MODIFICATION SURGERIES

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Abstract

Cultural and religious practices are particularly difficult to modify, let alone eradicate, as they are anchored in the beliefs, habits, routine practices and attitudes of specific groups of human beings. Attempting to eradicate any such practice is a Herculean though not impossible task. Modification or even eradication of any such practice is more feasible if initiated from within the practising group. In the case of what some have called female genital mutilation, attempting to eradicate it through criminalisation is particularly problematic for various non-exhaustive reasons. First, the call for criminalisation has generally been advocated and championed by people not belonging to the practising group. Second, FGM generally belongs in the same category of kind with similar practices that are not equally canvassed for criminalisation, resulting in treating equals unequally, a clear case of unjustifiable discrimination or exceptionalism. Third, criminalisation belongs in the domain of the law, typically used in every society by the governing classes to control the governed, and not necessarily in the domain of human reason, morality, or rights. Fourth, the practice of FGM has persisted in some jurisdictions where it has been criminalised, thereby calling into question the effectiveness and advisability of criminalisation as a strategy for eradication.

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1 Introduction

If it is right to pierce your upper lips, can it be wrong to pierce your lower lips?

Female genital mutilation (FGM)) evidently is an instance or a subset of a group of practices that may be designated as or subsumed under terms such as ‘genital surgeries’, or ‘bodily modifications’ including such others (randomly) as female circumcision; male circumcision; tattooing; breast reduction; breast enlargement; breast removal; penis elongation; foreskin replacement; body piercing; ear/lip/eyelid/chin; facial scarification; and so forth.¹ Any specifiable difference among the foregoing categories is a difference in degree, method or procedure, not a difference of kind. To gingerly pick out FGM from this long list of morally problematic practices and to particularly lambast it as a universal scandal requires both an explanation and a convincing justification. However, while there are explanations for the focal interest on, if not obsession with, FGM, none of these alone or even all of these together constitute a sufficiently convincing justification for such discriminatory particularistic focal interest. In this chapter I consider FGM within the company of its moral equals and I attempt to outline rational and morally imperative arguments or conditions under which any such practices may be deemed wrong, unacceptable, and justifiably legally possible to be criminalised.

1.1 Moral argument on body modification surgeries

In 2004 Tangwa made a moral argument covering all these ethically questionable cases indiscriminately.²

[E]xcept for indisputably curative therapeutic reasons, circumcision (male and female), and other types of body modification ... surgeries, is clearly ethically wrong, if carried out without the explicit solicitation and fully mature and well-informed consent of the person on whom it is performed, because it violates bodily integrity, autonomy and self-determination. On no account, therefore, should any of these surgeries be carried out on an infant, child or other morally incompetent human being, for non-therapeutic reasons.

1 WHO ‘Female genital mutilation’ (2022), <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation> (accessed 21 January 2022).

2 GB Tangwa ‘Bioethics, biotechnology and culture: A voice from the margins’ (2004) 4 *Developing World Bioethics* 125-138.

The above argument may not be as elegant as it could possibly be stated but, as far as the moral concern with the practices under discussion goes, we need no more than the above seminal argument that can be expanded or rephrased according to need. It is important to recognise that the argument prescribes the proscription of FGM and its moral equals under the clear conditions delimited. Ngwena, who has critiqued my chapter, leaves the impression that it is any of my argument that FGM should not be eradicated simply because its moral equals have not also been proposed for eradication. That is none of my argument.

However, every individual exclusively owns his or her own body and there are things any such individual, provided they possess full maturity, rationality, and moral competence, can legitimately freely choose to do to their body; that is what the fundamental moral principle of autonomy is all about. Of course, autonomy is not an absolute principle; it is constrained by human epistemological limitations, and sometimes it may be justifiable to refuse respecting the autonomy of some individual choices, a good example being any choice implying severe bodily harm and requiring the cooperation of a third party.

In the absence of the provisos outlined, modifying the body, especially in a permanent and irreversible manner, is conceivable only for indisputably medically curative reasons (enhancement may not pass the test) aimed at avoiding permanent harm or saving life. It thus is ethically problematic to carry out any permanent body modification on an immature/incompetent person because this can only depend on proxy consent. While proxy consent can validly be given by parents or other legal guardians on behalf of incompetent persons, this is not sufficient in the case of permanent body modifications on account of their drastic nature and irreversibility. A criminalisation law for any legal jurisdiction, therefore, can justifiably be crafted along the lines of the above moral reasoning.

1.2 Complexifiers of the problem

The discussion of FGM has been made more complex and complicated by cultural, religious, racial and political considerations. Furthermore, the advocacy or campaign approach by people whose activism on the issue evidently is not based solely on moral considerations or moral outrage; otherwise, they would not have ignored FGM's moral equals, and even more outrageous practices such as racism, alcoholism, tobacco

consumption and drug addiction. In many of these cases, including FGM and its moral companions, sanctions, if not carefully rationalised, may be targeting the victims rather than the real perpetrators of the problem or undesirable situation.

Within the broad culture that covers what is designated as the industrialised 'developed world' paradigmised by Europe, America, Canada, Australia and, to an emerging extent, South Africa, the discussion of FGM and the campaign for its eradication has been intense and persistent. It has successfully converted and proselytised many voices from within practising groups. Involving some of the best minds within the *cultural bracket, rigorous analyses of the problem have scarcely left out any significant considerations*.³

The questions of moral rightness or wrongness defy, and cannot be settled by intellectual discussion and rigorism alone. On moral matters, the common (wo)man on the street may sometimes get it right where intellectuals and university professors have failed. Correct moral judgment requires moral sensibility and sensitivity, altruistic empathy and absence of egoism. More importantly, moral right and wrong are not about supremacy, activism or democratic opinion polls. Activism may intimidate people into accepting as right what is wrong or accepting as wrong what is neutral between morally wrong and morally right.

The reason for the focal interest on, not to say obsession with, FGM may not be unconnected with the fact that Western industrialised culture seems both fascinated and repelled (*mysterium tremendum et fascinans*) by human sexuality but also that the topic under discussion is of a strange practice of 'other' cultures, not recognised as a value or an acceptable practice anywhere within 'own' culture. In this way, underlying unavowed racist beliefs and stereotypes may quietly be animating both the discussion and the activism.⁴ That is one plausible reason that the equality or similarities between female circumcision, cutting, alteration (FGM) and male circumcision, cutting, alteration (MGM), let alone other types of body modification, has not been recognised in the eradication

3 H Burrage 'Preventing FGM: Beware a turf war between medicine and law' 7 March 2015, <https://hiliaryburrage.com/2015/03/07/preventing-fgm-beware-a-turf-war-between-medicine-and-law/> (accessed 21 January 2022).

4 M Fish and others 'A new Tuskegee? Unethical human experimentation and Western neo-colonialism in the mass circumcision of African men'(2021) 21 *Developing World Bioethics* 211.

campaigns and has been vigorously conceptually combated when this is pointed out.

2 Undesirable practices of identifiable human groups

Any identifiable human grouping, be it cultural, religious or political, may have undesirable practices, moral or otherwise; just like any individual human being. Such practices are easier and best eliminated if the impulse for such elimination comes from within the person concerned or the group itself. From without, the group or person can be provoked, encouraged, or persuaded to consider eliminating any such practice. Where the motivation to eliminate FGM is initiated by external forces outside of the person or group, the task is likely to be more difficult. The other option available is through the application of constraint or coercion rather than persuasion; in which case a relationship of colonisation, superior or inferior, master or slave or, in any case, of dominating power and control is necessary. Industrialised Western culture and the societies that share that culture is a globally-dominant culture. The dominating power structures of Western industrialised culture include without being limited to the World Bank, the International Monetary Fund (IMF), the World Health Organisation (WHO), the World Trade Organisation (WTO), and the World Economic Forum.

These powerful structures could conceivably be reformed, transformed, and adapted to serve the diverse human global communities with equity, fairness, and even-handedness. However, that is never ever likely to happen without a paradigm shift in the orientation, mindset, and attitudes of those who created, run and control these structures. For that to happen, an ubuntu orientation in leadership, bioscience, medicine and healthcare would be necessary.^{5 6 7}

5 NS Munung and others 'Genomics governance: Advancing justice, fairness and equity through the lens of the African communitarian ethic of ubuntu' (2021) 24 *Medicine, Health Care and Philosophy* 377-386.

6 TI Nzimakwe 'Practising ubuntu and leadership for good governance: The South African and continental dialogue' (2014) 7 *African Journal of Public Affairs* 30-41.

7 GB Tangwa 'Bioethics and ubuntu: The transformative global potential of an African concept' in H Lauer & H Yitah (eds) *The tenacity of truthfulness: Philosophical essays in honour of Mogobe Bernard Ramose* (2019) 239-249.

2.1 Legal criminalisation as a solution

The legal criminalisation is an extreme coercive method. It would scarcely be contemplated from within a group some of whose practices require, even by their own admission, reform, change, or elimination. Its prescription, therefore, signifies the likelihood that those interested in the change are outsiders to the group or proselytised converts, which does not, of course, invalidate the prescription. In the case of so-called FGM, it is evident that the motivation and prescription of criminalisation can only be external to the group even if it may involve some members of the group who have been externally persuaded and proselytised into believing in criminalisation as a solution. Otherwise, had their conviction been genuinely independent, they would have first attempted internal methods for effecting change and that could hardly begin with legal criminalisation for a practice current within a group to which they themselves belong.

The first sign of the external drive for criminalisation in this case is in the choice of the very expression 'female genital mutilation' (FGM) rather than female circumcision, female genital cutting, female genital excision, or female genital alteration which come to mind as alternative expressions describing the same reality. The second sign is the choice of the concept of eradication (destroying and getting rid of) rather than elimination (removing or taking away), change (replacing with something more acceptable), or discouragement (making someone less enthusiastic and willing to do something) as a solution.

No parent worthy of his or her parenthood would set out to 'mutilate' or to harm the child knowingly and willingly in any way. It is a fact that within the practising groups, FGM is perceived as doing something good to the child no matter how erroneously. No one within the practising community could conceivably argue that 'we believe in mutilating our children because that is our culture, and our religion'. The term 'female genital mutilation' is a strongly pejorative term loaded and laden with negativity and condemn-ability, connoting unmitigated, unequivocal harm.

It is a description imposed from the outside by people with a superiority complex and a vested third party interest against the practice. It is an unfortunate choice of a linguistic expression (despite its endorsement by the WHO) to describe a practice of which the abolition for all non-

competent or non-consenting individuals is strongly justifiable and can easily be justified.

The inevitable taint that culture and social milieu imposes on our apprehension and appreciation of objective facts can only be adjusted by frank rational dialogue between those with differing views or perspectives, devoid of political motives, superiority complex, and campaign or winning stratagems. However, one of the hallmarks of a dominant and dominating culture is precisely insensitivity to difference and the need to listen with sympathetic attention to the point of view and perspective of the dominated counterpart.

3 Neutrality and fairness: Treating equals equally

One condition for making valid moral judgments and, in fact, judgments in general is objective neutrality before the facts from which the judgments are drawn. Without such neutrality, we are likely to judge equals unequally or the un-equals equally. It is conceptual neutrality and fairness that enables us to elaborate a rational argument on any issue as opposed to making a special pleading for it. An objective rational argument distinguishes philosophy from mere sophistry. Our critical sense of objectivity, neutrality, and fairness should put us on the alert when we are making judgments about what we have not experienced personally or at least vicariously as well as what we might have uncritically accepted or rejected based on religious or cultural dogmas.

3.1 Circumcision in Nso' culture

As elsewhere in Africa, circumcision among the people of Cameroon, particularly within the culture of the Nso' people of the grassy highlands of Bamenda, primarily is an initiation ritual, a *rite de passage* to adulthood. The Nso', like the Jews, are similar in one respect: They circumcise their male but not their female children. It is not quite clear why the Nso', unlike some other African groups, never thought of female circumcision, but they cherish female intactness at marriage and make fun of the very idea of circumcising a female child in the same way that they ridicule, say, the practice of bride price as 'selling out a daughter like a goat'. Unlike the Jews, however, the Nso' do not circumcise as a matter of any divine command nor even from any other religious reason, except in so far as the very idea of ritual might connote and evoke a certain religious

feeling. Nso' traditional religion, like African traditional religion (ATR) in general, is neither a doctrinaire nor a proselytising religion. Circumcision among the Nso' is a purely secular and profane ritual of initiation into adult manhood.

Rituals are very important in Nso' culture, like in nearly all other African sub-cultures, and the most important stages in life are always marked by appropriate rituals.⁸⁹ As a ritual, the term 'circumcision' may be considered a euphemism, and the Nso' have two further euphemisms for this euphemism. They call it *nangsin* which literally means to fix, repair or correct, but which also connotes prepare or arrange. They also call it, more obscurely, *sang mbe* which literally means to mark or scarify the shoulders, on which most heavy loads are carried, but which also connotes to toughen, fortify or strengthen. Circumcision, both male and female where it is practised in Africa, therefore is nothing extraordinary to be overly obsessed about beyond other practices of the same order or category.

3.2 Personal experience

Before 1996 I was not personally aware that the practice of circumcision raises serious medical and ethical problems. I had, of course, especially from 1994 onward, increasingly been aware of the great Western campaign against 'female sexual mutilations', a campaign that looked like an off-shoot of the feminist movement and which, perhaps because of my own peculiar cultural background, I considered quite appropriate and timely, even if somewhat exaggerated. I had heard stories about how, in the USA, some African women, in danger of being deported as illegal immigrants, had successfully used the 'female genital mutilation card' to avert the danger of deportation by claiming that they ran the risk of being forcibly circumcised if they returned to their motherland.

I had first become aware of the existence of the practice of female circumcision during my university student days (1974-1984) in Nigeria where the practice is common among some indigenous groups. I then considered it an extremely strange practice, not knowing at the time that it also existed in some parts of Cameroon; so great are the diversities in

8 GB Tangwa 'Bioethics: An African perspective' (1996) 10 *Bioethics* 183.

9 VW Turner 'Symbols in African ritual' (1973) 179 *Science* 1100.

the sub-cultures of Africa. When I tried to enquire as to why anyone would do such a 'senseless thing' as 'circumcising a female', I gathered that it was believed to reduce promiscuity among young women and to facilitate childbirth. Such reasoning by unlettered folk with insufficient awareness is quite understandable even if not completely convincing as a justification for the practice.

4 Rationalisations for circumcision

The pretext that FGM reduces promiscuity among young women while facilitating childbirth is a typical uncritical rationalisation of a cultural practice, and rationalisations of the type for various cultural practices as well as taboos that exist in all cultures. There were three main rationalisations in favour of male circumcision (in the absence of anything that could pass for female circumcision) in traditional Nso': To begin with, circumcision prepared the penis, putting it in a state of readiness for coitus and procreation, which was considered the main purpose and *raison d'être* of marriage. In addition, circumcision tested the courage and endurance ability of a boy at the threshold of adulthood, during which these qualities would be indispensable and frequently needed. Finally, circumcision tames, moderates and tempers the sexual instinct, thereby helping a man to act responsibly as an adult and especially as a parent. The traditional Nso' were very much aware that the pleasures of sex, like those of drink and food, are best enjoyed in moderation, even if that awareness was often recognised more in the breech than in the observance.

The above rationalisations for (male) circumcision, thanks to historical evolution and development of Nso' culture, to better critical awareness, and to the influence of ideas originating from outside the culture, would hardly be convincing today or, at any rate, would be considered insufficient to justify generalised routine circumcision. However, until recent times Nso' traditional society was a society greatly obsessed with procreation or parenthood and one in which great endurance and courage were called for, especially from men. Men's main occupations were warfare, internal security, hunting, housebuilding and long-distance perambulate trading, while women and children concentrated on home-keeping, farming and child care. Whenever any danger threatened the traditional Nso', the impulsive reaction was always quickly to move the women and children to a safe place, as men came

out and faced frontally whatever danger it was. In fact, once a danger alarm was heard, a man grabbed his machete (in a scabbard) and spears, gave quick instructions to his wife/wives and children, and dashed off in the direction of the alarm without any precise knowledge of what it might be all about. Against such an existential background, it is easy to imagine how the necessity for male circumcision would have arisen, been rationalised, and become an unquestioned cultural practice.

5 Female genital mutilation, feminism and patriarchy

The campaign against FGM in the Western world has been linked and closely connected with feminism and its severe critiques of patriarchy within the broader context of gender discourse. Although John Stuart Mill, a social critic and male feminist in his day and time, had made the strongest case for equality of the sexes when he expressed the opinion that

the principle which regulates the existing social relations between the two sexes – the legal subordination of one sex to the other – is wrong in itself, and ... one of the chief hindrances to human improvement; and ... ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other¹⁰

it is the Western feminist movement that has carried out the most far-reaching reaction to gender – an advocacy of women's rights in the face of discrimination, oppression or marginalisation – on the ground of the equality of the sexes implied in the equality of human beings.

This has helped to complicate and to complexify the simple and straightforward moral case against FGM and similar practices of equal moral concern. Gender discourse arises from the relationships between the two almost equal halves of humanity – women and men. As a biological fact that we do not fully understand, human beings in their vast majority come into the world, from the point of view of sex alone, as either male or female, with a small minority of anomalous or ambiguous cases neither clearly male nor female.

10 JS Mill *The subjection of women* (1869) 1.

5.1 Sex and gender

The ratio between human beings who come into the world in this sense as females to those who come as males is roughly 50/50 in nature. However, this balance, like the erstwhile balance in the climate, has rudely been upset by reckless human interventions and manipulations. That is as far as biological sex goes, but maleness or femaleness considered not merely as a biological fact but with reference to socio-cultural functions/expectations, norms, attitudes, and deep personal feelings is what is meant by gender. Gender considerations tend considerably to increase the marginal anomalous cases between maleness and femaleness and reveal many problems underlying socio-cultural, religious, and legal organisation/categorisation in all societies of the world.

In this situation, those who continue to see the world as populated only by males and females, men and women, have been accused of binary thinking and a great campaign, anchored on human rights, has ensued defending non-gender, bisexual, and transgender human beings as different but equal with any other human beings. The campaign logically and naturally then defends the right as well to be of any sexual orientation – heterosexual, homosexual, lesbian, bisexual, pansexual. Acronyms such as LGBTQIA (lesbian, gay, bisexual, transgender, queer and/or questioning, intersex and asexual and/or ally) have surfaced and are dominating global discourses. This development is perfectly in line and harmony with what this chapter considers to be the first postulate of bioethics, namely, a human being is a human being simply by being a human being and not for any other reason. Unfortunately, the full logical implications and consequences of this postulate have not yet been drawn in the current state of global bioethics. The reason for this failure lies in beliefs and practices that have become unquestioningly accepted within the dominant culture of the world.

5.2 Morality and the law

The natural allies or road companions, to use a common metaphor, of ethics are law, human rights theory and practice, civics, religion, and the customs, taboos and traditions of communities or societies. All the above are necessarily mingled and interwoven with ethics; but ethics is separable from each and all of them. Ethics, moreover, is rationally more compelling than any of its road companions. For instance, no law, no

custom, cultural or religious practice, is justifiable if it is unethical if it can rightly be judged as morally wrong or bad because, in a sense, all these are meant to serve morality and morality is more important than all of them. On the other hand, it cannot be argued that any putative practice is ethical simply because it is the law, cultural custom or religious practice. As Cook and others have rightly pointed out with regard to the law:^{11 12}

Law aims to serve the ethical principle of justice. Accordingly, it is not an ethical justification of a policy simply that it is legal. It is not even an ethical justification that a democratic government of a country had a popular mandate to introduce or support the particular law, and that it has been upheld by a country's most significant court according to the country's constitution. These features alone, while legally and politically significant, do not show that the law is ethical.

The most basic ethical injunction intuitively apparent to all rational beings can be stated as 'Do good (right) and avoid evil (harm).' Ethics is indispensable in all human activities and, for any activity, behaviour, act, or action we can consider that ethics holds up one of three possible cards – green for ethically okay and please go right ahead, yellow for ethically problematic and please pause to think carefully before proceeding, and red for ethically wrong and please stop and do not proceed. There are situations and circumstances in which it may not be possible completely to do good or right and to avoid harm or evil. In such situations we are in a moral dilemma and, no matter how we proceed, some evil or harm will result. In situations of dilemma, we proceed with that course of action that achieves better than harm or lesser than greater harm.

5.3 Between good and evil in human societies

Rationality and morality can be called the universals of cultures. They are of the very essence or definition of being human or having a culture and no human culture seems possible without them. Human rights for their part are a subset or derivative of ethics/morality, a powerful heuristic device or tool for canvassing ethical conduct and facilitating

11 RJ Cook and others *Reproductive health and human rights: Integrating medicine, ethics, and law* (2003) 554.

12 GB Tangwa 'Ethics in African education' in AB Nsamenang & TM Tchombé (eds) *Handbook of African educational theories and practices: A generative teacher education curriculum* (2012) 91.

behaviour-change in the modern world. Similarly, law is also a derivative or subset of ethics/morality with the notable advantage of being more robust and efficacious in its coercive and behaviour-changing effects, but with the limitation of being restricted to particular or specific politico-geographical areas of jurisdiction. The idea of 'international law' or of 'international human rights law' is today still basically a prescriptive ideal whose limitations are set by the idea or an obsession with 'national sovereignty'.

The WHO, as one of the powerful UN regulatory arms of Western industrialised culture has a zero-tolerance policy against FGM. According to the WHO and other UN agencies, female genital modification of any type is inherently patriarchal, reflecting deep-rooted inequality between the sexes and characterised by male dominance over the female gender which it considers as an extreme form of discrimination against women.¹³ We should all be concerned about discrimination, let alone extreme discrimination, but there is no rational reason why our concern should be limited to women. Many societies around the globe do practise genital modifications, some as cultural rituals, and others not. Now, many societies that carry out genital modifications for men do not carry out any equivalent modifications for women, but nearly all societies that carry out genital modifications for women always also carry out equivalent modifications for men.¹⁴ In other words, societies that practise FGM also practise male genital mutilation (MGM) whereas not all societies that practise MGM also practise FGM. To the extent, therefore, that genital modification is a problem, it is more prevalent for men than women. It therefore clearly is discriminatory to severely condemn it in the case of women but not in that of men. Such discrimination and double standards occur because the WHO is one of the powerful regulatory institutions of industrialised Western culture where male genital modification is an acceptable routine practice whereas female genital modification is unheard of and looked upon as one of those strange practices of other cultures. As a global institution, at least at the intentional level, the WHO needs to take non-Western

13 Turner '(n 9) 1100-1105; UNAIDS and others 'Eliminating female genital mutilation: An interagency statement (2008).

14 E Gruenbaum and others 'Reconsidering the role of patriarchy in upholding female genital modifications: Analysis of contemporary and pre-industrial societies' (2022) *International Journal of Impotence Research* 202-211.

cultures seriously into account and not consider them through the prism of the ever-abiding impulse of Western colonising power and control.

The idea of patriarchy is a legitimate and important problematic but it should not be brought into this discussion to complicate and obscure simple, clear, and persuasive arguments. Western societies are the paradigm of pure patriarchal societies whereas other cultures have a variety of other systems that challenge and constrain pure patriarchy. In Africa, for example, besides patriarchal societies, matriarchal societies exist, and other societies cannot easily be described as either patriarchal or matriarchal. It is hard to describe, say, my own natal culture as either patriarchal or matriarchal and I have attempted to describe it as patriarchy founded and grounded on matriarchy.¹⁵ The Nso' kingdom was founded by a woman, Ngonnso', whose emblem was looted from the Nso' palace by colonising German soldiers in 1902 and Nso' culture is obsessed with the *Kitaryiy system* whereby everybody's well-being and life fortunes are considered to emanate from the mother's rather than the father's lineage. Anybody discussing patriarchy in Africa ought first to be familiar with the diversity and complexity of African cultural systems. It is not enough to adopt a superiority complex and to allege from a safe distance the existence of patriarchy and to attribute to it practices that in themselves have little or nothing to do with it.

6 Conclusion

Genital modification, whether male or female, including what some people prefer calling female genital mutilation (FGM) and male genital mutilation (MGM), raises important ethical problems. It is invasive and violates personal bodily integrity in ways that maybe irreversible. Such genital modification is envisage-able as ethically permissible if and only if it is carried out for curative therapeutic purposes or if it is carried out on the solicitation of a well-informed competent adult on him/herself. Outside of these two instances, any such modification is fraught with serious ethical problems. This argument is not only simple but valid and rationally persuasive. It has got nothing to do with patriarchy which could conceivably only come in as an explanation, not a justification. Whether your society is patriarchal, matriarchal, neither or both, the

15 GB Tangwa *Elements of African bioethics in a Western frame* (2010) 14-27.

argument remains valid and persuasive. The argument also has nothing to do with feminism. Even though we should all be feminists, as urged by Chimamanda Ngozi Adichie, neither feminism nor male chauvinism has anything of substance to add or subtract from this argument. Legislation, including criminalisation, is a good way to canvass compliance for ethically imperative issues but it must be employed judiciously after ensuring that it is not discriminatory between individuals or groups of individuals and is not supportive of double standards in any way.

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