

## Chapter 53

# Overcoming Conflict Between Religious and Cultural Freedom and Women's Rights in Africa: Its Ethical Implications

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### **ABSTRACT**

*Scholarship is generally divided between those who view female circumcision as a religious ritual to be observed, and those who consider the practice as cruel and human right abuse. This lends credence to the ethical question: what should be done when the exercise of the rituals of female circumcision, which is central to African Traditional Religion, entails transgression of fundamental rights? Relying on John Rawls' model and rights based approach. This study examines African religious landscape characterized with this disagreement. With an insight provided into understanding this conflict, a criterion on what should constitute an appropriate interaction is thus supplied.*

### **INTRODUCTION**

Despite the right to freedom of religion or belief, including its manifestation individually or in community with others and the right of ethnic, religious, and linguistic groups to enjoy their culture, the global campaign against the religio-cultural ritual of female circumcision as a rite of passage in Africa has reconfigured the moral basis of international law as well as the tension between religious freedom and women's rights (Abiodun, Oyejola and Job, 2011). It has been argued that in spite of extensive literature that exists on the ritual practice, scholarly investigation into the intersection of this cultural ritual with women's rights is regrettably modest and disproportionate. This study therefore, is an attempt to respond to the thesis that an evaluation through the lens of social norms theory demands that a clash between (subscription to) international norms regarding women's rights and religious freedom about adherence to African traditional ritual of female circumcision requires the creation of a balance between protecting the twosome (Jones, Ehiri and Anyanwu, 2004).

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Expectedly, the centrality of the human rights discourse and religious freedom vis-à-vis the dynamics of female circumcision in Africa clearly depicts a ubiquitous absence of due diligence in the obligation of establishing a balance between upholding religious beliefs and promoting human rights (WHO, 2008). This is so because in Africa, religion is a fundamental part of human dignity, identity, community spirit and self-expression premised on a prescribed liturgy (Banks et al, 2006). For many adherents, belonging to a religion connotes the deepest part of who they are, as it is far more than a mere lifestyle choice. Therefore, to violate a person's religious freedom or require one to act against his/her religious beliefs or practices violates the very core of that person's being (Toubia and Sharief, 2003). But it is pertinent to note that the very concept of human rights is challenged by mainstream ideologies such as religious beliefs and traditional cultures. Unlike the failure to enforce human rights, these ideologies threaten the very paradigm which lies at the heart of human rights (Mohamud, 1991). There are current manifestations of ideological dissonance between human rights standards from the perspective of orthodox religious beliefs and traditionalist cultures. Currently, there is a confrontational stance to human rights of females in many African societies, variously opposing the civil rights of women, by not accepting the norms of equality and freedom of conscience or expression (Monjok, James and Holmes, 2007). This is mostly where there is a conflict with the norms, customs or sensitivities of African Traditional Religion.

However, the rationale for female circumcision seems to be consistent in most African societies, and is based for the most part on myth, ignorance of biological and medical facts, religion and culture (Satti et al, 2006). The thinking and argument in many communities is that the clitoris is perceived variously as repulsive, filthy, foul smelling, dangerous to the life of the emerging newborn, and hazardous to the health and potency of the husband (Abusharaf, 2006). As is the case with male genital mutilation in African culture, female genital mutilation is often believed to carry with it a persuasive array of health benefits (Ngambouk, 2010). It is believed to make conception and child-bearing easier, to prevent acutely dreaded malodorous vaginal discharges, prevent all manner of sickness, vaginal parasites and the contamination of mother's milk (Mitike and Wakgari, 2009). Most controversially important is the fact that, circumcision, and specifically infibulation, is believed to reduce the sexual drive (no empirical evidence), and to protect women not only from aggressive males (no empirical evidence) but from her own rampant sexuality and irresistible inborn drive toward total promiscuity (Alston, 1994).

Over the years, debates in the "Western" world and other parts of the world championed by Western feminist groups through the media of mass communication have revolved around a broad range of local cultural practices which appear incompatible with the health, well-being and human rights of both women and children. This is commonly termed as "harmful traditional practices" which include, but are not limited to, female circumcision, polygamy, forced and early child marriage, food taboos, wife sharing, wife inheritance, male child preference, widowhood rites and honour killings (Dorkenoo, 1995). However, it was the ritual practice called "Female Circumcision" (FC), also currently referred to as "Female Genital Mutilation" (FGM) that sparked off the most unsettling debates about women's rights. In Africa, an individual's adherence to group values such as FGC is a source of social capital and identity (Gruenbaum, 2001). This contrasts sharply with the individuality and autonomy that underpins the Western concept of human right. Within this framework, sex as a socially and culturally constituted reality (and a source of personal fulfillment) is de-emphasized and substituted for biological and social reproduction and becomes a source of power and agency (Mackie, 2001). Against this backdrop, the use of the human rights framework instead tends to alienate the people, and harden their identities as evident by the increasing circumcision of young female meant to curb sexual promiscuity and stifle their resistance to the ritual practice at maturity (Rahman and Toubia, 2000).

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