



a GlassHouse book

LAW'S CUT ON THE BODY OF HUMAN RIGHTS

Female circumcision, torture and
sacred flesh

Juliet Rogers

Law's Cut on the Body of Human Rights

Scenes of violence and incisions into the flesh inform the demand for law. The scene of little girls being held down in practices of female circumcision has been a defining and definitive image that demands the attention of human rights, and the intervention of law. But the investment in protecting women and little girls from such a cut is not all that it seems. *Law's Cut on the Body of Human Rights: Female Circumcision, Torture and Sacred Flesh* considers how such images come to inform law and the investment of advocates of law in the imagination of this scene. Drawing on psychoanalytic and postcolonial theory, and accompanying ideas in political theology, Juliet Rogers examines the language, imagery and excitement that accompanies recent initiatives to legislate against what is called 'female genital mutilation'. The author complements this examination with a consideration of the scene of torture exposed in images from Abu Ghraib and Guantanamo Bay. Rogers argues that the modes of fascination and excitement that accompany scenes of torture and female circumcision betray the fantasy of a political condition against which the subject of liberal law is imagined; this is a subjectivity in a state of non-mutilation, non-prohibition or, in a psychoanalytic idiom, non-castration. To support the fantasy of this subject, the mutilated subject, the author suggests, is rendered as flesh cut from the democratic nation state, deserving of only selective human rights, or none at all.

Juliet Rogers teaches criminology at the University of Melbourne.

This page intentionally left blank

Law's Cut on the Body of Human Rights

Female circumcision, torture
and sacred flesh

Juliet Rogers

First published 2013
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

Simultaneously published in the USA and Canada
by Routledge
711 Third Avenue, New York, NY 10017

A GlassHouse Book
Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2013 Juliet Rogers

The right of Juliet Rogers to be identified as author of this material has been asserted by her in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

Trademark notice: Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging in Publication Data

Rogers, Juliet.

Law's cut and the body of human rights: female circumcision, torture, and scared flesh/Juliet Rogers.

pages cm

1. Female circumcision—Law and legislation. 2. Women—Legal status, laws, etc. 3. Women's rights. I. Title.

K361 I.F45R64 2013

344.03'219816—dc23

2012050797

ISBN 978-0-415-66170-6 (hbk)

ISBN 978-0-203-51704-8 (ebk)

Typeset in Garamond
by Keystroke, Station Road, Codsall, Wolverhampton

Contents

<i>Acknowledgments</i>	ix
1 Fantasies of the cut	1
2 The making of a fantasy - the image of female genital mutilation	22
3 'I love you . . . I mutilate you': the remnant of the (mutilated) flesh	47
4 The clear message of law	66
5 The violence of the Other's law	86
6 The sacred flesh of human rights	107
7 The torture of the good	125
8 Woman does not exist in human rights	140
<i>References</i>	154
<i>Index</i>	165

This page intentionally left blank

For Michelle.

This page intentionally left blank

Acknowledgments

My thanks to European University Institute and to Yale Law School for giving me quiet thoughtful places to work on this manuscript, particularly to Shana Jackson for finding me a place in the sun, and to Bo Burt, Dori Laub and Francesco Francioni for their conversation.

This research was only made possible by the intellectual and political work of the African Women's Working Group in Victoria. Members of the group, including Munira Mohamed, Munira Adam, Miriam Idris, Nikki Marshall and Amna Maleken, generously shared with me the group's documents and discussions. Munira Mohamed's ongoing encouragement and support assisted me in continuing what was, at many times, a difficult issue to pursue politically, intellectually and socially. My warmest thanks are also extended to Amuna Abdella for her intellectual rigour together with her trust, friendship and the introductions she offered me in this project. Chris Bayly also shared with me her meticulous files of meetings and conversations that took place at the time of the consultations into the application of 'female genital mutilation legislation' in Australia. These documents were invaluable in directing and legitimating this research. Some of the work I mention is ongoing and the struggle against the violence of 'female genital mutilation legislation' is being continued by Samia Baho, Mansura Dopico and Maria Dimopolous. The work begun by Samia, Maskepe Sejo and others through the Family and Reproductive Rights Education Program in Victoria continues the debates and, where possible, enables community dialogue. I am grateful for the information these people have shared with me, their integrity, political commitment and for their work in advance.

My thanks to my own students whose conversations and own projects have influenced the work in this book, including Sahar Ghumkhor, Mohamad Tabbaa, Hussein Mohamud, Felicity Grey and Diego Mendez. My warmest thanks particularly to Sahar for her editorial rigour, inspirational conversation in this area and her patience.

My love and thanks to Adam Driver, Anna Szorenyi, Steve Pukallus and Surya Purekh for the conversations that got me on the right track in the first place. And to Judith Grbich, Ian Duncanson, Andrea Rhodes-