HUMANITARIAN BODIES

Gender, Moral Economy and Genitals Modifications in Italian Immigration Policy

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She Was and He Was: The Facts

On March 31st, 2006, a Nigerian woman, approximately forty years old, "intent on the practice of male circumcision and female clitoridectomy of newborn Nigerians" was arrested in Verona[1]. She was charged with the offense of "female genital mutilation" in compliance with law 7/2006, introduced in Italy only a few days prior entitled "provisions concerning the prevention and prohibition of the practice of female genital mutilation". From the chronicles, it was possible to reconstruct the entire story branching from investigations conducted on the activity of prostitution of young Nigerian women who claimed to know a compatriot who practiced circumcision and clitoridectomy. Following these declarations the Verona Department of Public Safety identified the operator; a woman in her forties, legal immigrant. The very day she was arrested she was preparing to operate on a baby, born just two weeks earlier also of Nigerian parents. Immigrants in our country, with a regular residence permit, they had turned to her as she was known as the "doctor" in her native Nigerian society. This name had been given to her in that prior to her arrival in Italy and to being employed by a cleaning firm, she had worked for years as a traditional midwife. The *"mammana"*[2] ("traditional" midwife such as woman who practice unsafe abortions) as some newspapers did not hesitate to call her, was stopped on the doorstep of the home of the girl's parents carrying a bag the contents of which appeared to be self-evident: surgical scissors, antibiotics, anesthetics, gauze and emollients. Thus the police had caught her in flagrante delicto; all these circumstances suggested that she was about to practice an infibulation or excision, also because, only a few days earlier, a similar procedure on another newborn had been reported, for which it was speculated that she had received a fee of three hundred euros.

1. Verona is a city straddling the Adige river in Veneto, northern Italy; see Archive of the press release by the State Police: <http://www.poliziadistato.it/articolo/13089Verona_arrestata_nigeriana_per_mutilazioni_organi_genitali/>, 12 September 2011.
2. M. Iervasi, "Verona, arresto per 'mutilazioni'. Neonata salvata dall'infibulazione", L'*Unità,* 5 April 2006.

This story, reconstructed so succinctly, enjoyed a certain period of press coverage as it was the first case of an arrest in act of crime, along with the release on personal recognizance of the parents, in application of the law of with which we have for long dealt (Fusaschi 2007, 2011a), and to which we will return to follow the process of the trial and its conclusion last year.

Let us now move forward through time and space, more precisely to Bari[3], where, on July 22nd, 2008, a two-month-old Nigerian infant died following severe haemorrhaging caused by a circumcision performed at home by a compatriot. During the operation, executed with a sharp object and coconut oil, the circumciser in trying to remove the foreskin and uncover the gland, severed instead the latter causing a haemorrhage of such intensity as to be fatal to the infant, born just two months prior to a native Nigerian couple, both of whom in possession of regular sojourn documents. The episode began in an apartment where the mother, in agreement with her husband, in Spain at the time, had expressly requested the intervention of the operator, considered an expert in the field. Not only had he agreed to operate on the infant, but he had also assured, once the operation was completed, that the surgery was successful. However, during the night, the infant began to suffer from considerable breathing difficulties, as a result, as will be seen later, of hemorrhaging produced by the wound. The mother asked for help from a local pharmacist, who realizing the gravity of the situation, called for emergency assistance, where one hour later once in hospital, the infant died. The following day, the police stopped a man considered to be the actual performer of the operation who reported that it had been a routine intervention without any serious consequences, compensated with one hundred euros.

These two episodes, notwithstanding their difference in context and time, could seem very distant from each other as, in one case, we are dealing with two infants where, according to the investigators, the first had undergone infibulation, the second was saved by the timely intervention of the police, while the other case involved a few-month-old baby who had undergone circumcision and died of haemorrhage. Comparing these events may seem useless as it is well known that the operations are not the same, but the two cases are connected exactly at the point where they divide, while in the meantime it will be necessary to clarify whether it was actually female "mutilation", and also as they regard children undergoing permanent alterations to their genitals, independent of their consent. In addition, they are children of (legal) immigrant parents, two girls and one boy, who belong to the same Edo Nigerian "ethnic group". This last point is important in that if we were to look more in depth into the context of the origin we would discover that, in the Edo society, operations on genitals regard both

3. Bari is the capital city of the Puglia region, on the Adriatic Sea.

genders and both, female and male, are defined with the same word without discrimination. Their execution is based on significant social-cultural grounds where signs on the body establish symbolic gender, a rite or act of institution (Bourdieu 1982)[4], attributing specific social privileges regarding life, marriage and family as a whole. What is particularly interesting from our point of view is the analysis of messages that can be defined as "humanitarian moral" (Fassin 2010), those traits that characterize our age and, in particular, in Italy.

The legal implications of these events constitute important precedents and if read, from a gender perspective, help us to shed light on what might be called "differentialist neo-sexism", full of paradoxes, which implies the perception of the *Other* corporeality in the so-called host society. Still, following the two stories sheds more light on what the idea the nation state has regarding the body of immigrants, in general the *Others,* and in particular on "culturally relevant" treatment of the woman under the law.

Now let us proceed in order, as we would, for our ends, need to briefly summarize what Law 7/2006 establishes or rather the legal instrument through which Italy determines, *ad hoc,* the so-called practice of Female Genital Mutilation (FGM). From the onset we understand that the adjectivalization in feminine (among other, introduced in the bill that had made no distinction between male and female genitalia) means that any male practice is not contemplated in this norm (Fusaschi 2003, 2011a).

This law inserts new articles to the Italian Penal Code and, in particular art. 583 *bis,* defines the practice of FGM: "clitoridectomy, excision and infibulation and any other practice that causes the same effects." It further states that "whoever, in the absence of therapeutic needs, causes, *for the purpose of impairing sexual functions, lesion to the female genital organs* [...], resulting in ailment of the body or the mind, is punished with imprisonment from three to seven years. The penalty is reduced to two thirds if the injury is minor. The punishment is increased by one third when practices [...] *are committed against a minor or if the act is committed for profit*"[5]. This norm has introduced two new offenses in our code, "genital mutilation" and "genital lesions" opening a new path reserved, in fact, to immigrant women and their corporeality. A norm characterized by "strict penalties" (Brunelli 2007), jurists say, which is unprecedented in our history and the effectiveness of which in fighting FGM is yet to be verified.

4. P. BOURDIEU (1982: 60) claims that to speak of "rites of institution is to suggest that all rites tend to consecrate or legitimate an arbitrary boundary, by fostering a misrecognition of the arbitrary nature of the limit and encouraging a recognition of it as legitimate".
5. Cursive emphasis added by author.

She Before the Law... "Albeit at a Symbolic Level"

Now that we have reviewed this Italian law in its essential features, we shall return to the story of the girl in Verona in order to reconstruct the path that led to the formulation of the first sentence in application of said law. In March of the same year, two experts were sent by the prosecution to the first girl's home, the one that supposedly had been infibulated by the Nigerian operator, to then be caught in flagrante delicto with her toolbox at the home of another baby girl (Miazzi 2010)[6]. The infant was subjected to medical examination and the consultants reported that at a macroscopic level there was no apparent injury to the genitals, but not being able to completely rule out any lesion, they proceeded with further investigation in an adequate medical facility. At the request of the Attorney another consultant visited the child to establish possible injury by using a magnifying optical system and with the use of chemical reagents noted that in correspondence to the clitoris there was a perceptible minute linear scar; no longer than four millimetres and two millimetres deep, impossible to be seen with the naked eye. What was important for the proceedings was to determine any permanent consequences, since the few millimetre wound, as ascertained, had healed within a few days. The prosecutor's consultant was not able to say whether there had been a traumatic consequence on the clitoris, and, more so, had not been able to assess the extent, but had speculated, "with some reasonableness", that the lesion could result in "a state of permanent weakening of clitoral sensitivity, with relative complications on a sexual level" (*ibid.:* 105).

Regarding physical damage to the infant and/or consequences, direct or indirect, it was acknowledged that it was not possible to ascertain at that time, given the young age of the child, and eventually it could be determined only upon reaching sexual maturity. The defence, by means of its consultants, had instead decided to read contrariwise this possibility of ascertainment due to the very small size of the wound, having been found only by means of a chemical reagent, which had caused "superficial injury" not causing functional damage to the sensitivity of the clitoris which had remained completely intact, consequently excluding future consequences on the sensitivity of the organ, above all, emphasizing that sexuality, we would also say the social construction of the body, depends on social-cultural context and affective experience of individuals *(ibid.)*.

We do not wish to repeat the entire trial process here; we are interested in seeing how it concluded, as initially the Review Court demonstrated that the intervention on the child could not be classified as infibulation, neither

6. In this article concerning the court proceedings I will use the reconstruction provided by Miazzi. I would like to thank Brunella Casalini for drawing my attention to this article, for all her stimulus and literature regarding this issue and for much more.

excision nor clitoridectomy. In addition, deconstructive consequences on genital organs had not been observed and, therefore, it had not been possible to define this intervention as "genital mutilation", the proof was that without the use of reagents the wound itself would not have been detected in any manner. The ritual operator was acquitted of the crime of FGM, but not that of lesion that was connected to, according to the judges, "*albeit in symbolic form* to the sphere of sexuality" (*ibid.:* 110). While, on one hand, the operator was discharged, but with house arrest, on the other, the prosecutor requested indictment for her and both girls' parents, the one who had already been operated on and the one who had not been, challenging not only the attempted FGM, but also the aggravation of harm caused, with lack of therapeutic purpose, to a minor for profit. Thus what follows in the sentence will highlight the specific intent provided in the law, consistent in the intention of the parents to harm their daughter, or rather her organs; according to the judges, they knew what was involved in the operation and therefore they were not guilty of having caused actual damage, but of the intention of causing it. An intention that would have permanently diminished sexual functionality, although a special mitigation was recognized for a minor injury lesion that will not damage the sensitivity of the girl's and the future woman's clitoris.

In this manner, the judges from the court of Verona have confirmed that, even a puncture on the clitoris recognized as *sunna* ritual[7], even though "slight injury" from signs and consequences are not obvious, is to be considered an illegal act; not compromising functionality and sexuality on a physical level, but on a *symbolic* one. Therefore that operation which is not even comparable to the puncture of a *piercing* that pierces both sides, assumes penal relevance in Italian criminal codes because, notwithstanding cultural motivation, it is intentionally performed—although recognizing the practice, as stated in the sentence, is not immediately translated into conscious lesion—to damage the organ and undermine future sexuality, "even at a symbolic level".

The symbolic level has entered so deeply in the penal field and, from this point of view, Giuditta Brunelli (2009: 19), professor of Public Law, antecedently critical of the law and of the protection of the "victims" maintains that this type of sanctions do not seek to fully protect the rights of children but rather "condemn and stigmatize traditional practices by the host society". We could say that in this case Culture, not per chance African, in its own essence, becomes the stigma which is engraved on bodies, as our field research has already shown (Fusaschi 2003, 2011a, 2014). Thus,

7. In 2004, Somalian Doctor Abdul-Kadir proposed this as a possible "symbolic" solution to infibulation arousing disarray in part of the feminist world which gave a moral key interpretation thus creating alignments and deep lacerations. I briefly tried to reconstruct the dynamics in M. FUSASCHI (2007, 2011a), see also L. RE (2010) and C. PASQUINELLI (2007).

we find ourselves "facing a symbolic use of penal law: the threat of sanction here has a main purpose (if not exclusive) of proclaiming abstract protection of legal rights, for the effective safeguarding of which however is ineffective" *(ibid.).* All this contrasts with the modern conception of penal law as *extrema ratio* which instead provides that "the penal sanction not only be adequate in respect to the right to be defended, but also effective: an ineffective penal sanction is counterproductive to the good" (D'Amico 2008: 139) of those who are intended to be safeguarded.

He Before the Law... When Symbols Are Other

In the Bari case a first observation concerns the lawfulness of the operation, in that the judges had to primarily evaluate whether the circumcision was a legitimate practice and, subsequently, if it, intended as a mutilating act, produced injuries; if affirmative then what kind and what entities. It is interesting to note that the Court, in this specific case, does not really refer to law 7/2006 which effectively was disregarded, but to the opinion of the National Bioethics Committee of 1998[8], making a deliberate choice by which circumcision would be excluded from penal context. In fact, the Bari sentence states that circumcision is a lawful act strongly motivated by social-cultural reasons as those of religious rituals. In reference to physical and/or health related consequences, it has determined that "according to scientific and medical literature, in most cases, it should not lead to impairments or alterations in sexual functionality and male reproductively" (Miazzi 2010: 110). One must remember that, in this case, the operator had cut the gland causing such a serious haemorrhage as to cause the death of the child, within a few hours' time[9]. It is at this point that the story becomes intriguing because, on the basis of two previous courts, Milan and Padua, the legality of the practice of circumcision "for ritual reasons" was confirmed, thus excluding bodily harm and considering it unintentional.

Unlike the previous case, in the judges' opinion, there is not an apparent intention of the mother to harm, like the other female parents, as she was aware of what was involved in circumcision but, unlike the others, she did not want to harm neither the child, nor his sexuality because the operation had been performed only for ritual reasons. In fact, the court saw no malice, what was instead ascertained for the baby girl from Verona, where ritual

8. Opinion dated September 25, 1998 on male circumcision regarding the compatibility of this practice with the law of the Italian Republic, which found male ritual circumcision to be considered fully compliant with the provisions of Art. 19 (freedom to profess religious beliefs) and Art. 30 ("option" granted by the Italian Constitution to parents in the field of education).
9. From this point of view, the prosecutor had challenged the "mother with involuntary manslaughter for having committed acts intended to cause injury to the infant, which then resulted in the loss of blood and the fatal event".

purpose, reported by family members and some experts, was not contemplated in any manner whatsoever, or better as Miazzi states, it was the contrary, because the judge of the "prick" (are ritual or symbolic not almost synonymous?) stated, in fact, that he could not "support the absence of an willingness of the defendants to harm on the assumption that they have not acted to injure their children, but, on the contrary, by an act of love towards them, which, without that sign, they could have incurred negative consequences in their community with the risk of being marginalized and excluded. Indeed the intent of the crime should not be confused with reasons for action, as the former lies in the conscious and the will to cause lesion to the injured party (and certainly the defendants were aware of this, who well knew what was involved in the practice of making an incision to which their children were exposed), while the motives remain external to the offense" (*ibid.:* 111).

Summarizing: the Verona case, the operation, not a infibulation but a puncture invisible to the naked eye on the baby, was attributed to the criminal field and deemed illegal, in the Bari circumcision, resulting in death, was excluded from the penal domain and deemed lawful. In the first instance, cultural reasons were considered as an aggravating factor, in the second as mitigating. Both sentences have a culturalist imprint, but in the baby girl's case a "primitive image of barbaric tradition" has prevailed, instead, in the baby boy's, the custom has been incorporated in a religious dimension, and thus elevated to the rank of an accepted traditional religious ceremony, starting from that of the Hebraic. The corporeality of the girl acknowledged, rather socially constructed, in a context of origin was considered inadequate in that of migration where the corporeality of the boy, built upon circumcision, is accepted just as much there as here. In the first case what is known as "Culturally Motivated Crime"[10] instead of alleviating the punishment, was harshened, while circumcision is not even configured as a crime. The girl is a "victim" to be protected, the operator is a executioner to be condemned for abusive exercise of profession, albeit a nurse in Nigeria (a fact not considered as a mitigating factor); the boy is a victim, yes, but by mistake, and regarding the operator, although his case was also found to be abusive exercise of profession, the court, referring to the opinion of the National Bioethics Committee, concluded on the need for circumcision to be performed in a social-health care facility by a physician.

What is most paradoxical is that, somehow, the judgments seem indifferent to material reality, that is, to the concrete conditions of the two "victims": in the case of the girl the culpability of the act itself prevails on the

10. According to a definition widely shared by European penal law doctrine, it is intended that "a behavior carried out by a member belonging to a minority culture, which is considered a crime by the legal system of the dominant culture. However, this same behavior within the cultural group of the performer is condoned, or accepted as normal behavior, or approved, or even supported and encouraged in specific situations" (BASILE 2007: 44).

absence of material damage; in the case of the boy, his death, configured as an unintended consequence of an accepted act, also passes as an alternative in respect to the legality of the act. The operators on the same level, both guilty of abusive exercise of profession, one is condemned without detriment to the body, the other is somehow "acquitted" in spite of having caused the death of a child.

Additionally, in the Bari judge's opinion, again in light of the National Bioethics Committee, circumcision falls within the range permitted for the education of children, as established for parents by Arts. 19 and 30 of our Constitution: "Having to acknowledge parents with the faculty of initiating their children to a particular religious belief according to the related practices of worship permitted, therefore it is not included in judicial illegal acts" *(ibid.)*. However, in Verona, although the *sunna* had been performed with these intentions, it cannot be considered lawful because "in the case of so-called cultural crimes such as this, the fact of following this conduct in obedience to one's own cultural tradition, is not acceptable in light of the values and principles of our legal system, enough to be a discriminate, is precisely the reason for prosecution and punishment" *(ibid.)*.

Therefore, even though in the native social group, male and female operations are named in the same way and have similar emic motivations in regards to the genre bodily models and produce similar social effects, Italian law as a form of protection of the "victims" has discriminated on two levels: that of the body (male and female) and, hence, intended behaviour in terms of sexuality.

In fact, in these cases, the *messa a norma* ("retrofitting" [Fusaschi 2008a: 63]), of the body according to the behaviour of social-cultural tradition, in which the religious sphere is included, can make a licit act illicit, is demonstrated by the Bari case, while in other, Verona, represents the main reason of prosecution. It is clear that there is a cultural battle in act, through legislation, that punishes intentions or allegedly such to "protect the victims", even when they do not leave signs on the body, assigning a negative value characteristic, not as much ethnocentrism but colonial-matrix racist.

Immigrant Woman is Just Her Own Body Instrumentally Incomprehensible

For as much as it concerns Italy, for years I have expressed a position of opposition, based on field research data, to this regulatory approach (Fusaschi 2003, 2007, 2008b, 2011b, 2014) in that an universal normative on serious and very serious injuries already exists and FGM could rightfully have been included; and we know that it was intentional, even if supported by alternating currents, even by a part of the humanitarian world that has given life to a fairly accurate "moral economy".

The "moral economy", or the "humanitarian reason", as Didier Fassin (2012) has defined it in anthropology, is something that characterizes our era and most of all Italy for as much as it concerns the Italian immigration policy. Moral economy "implies a study of the way immigrants and minorities are treated by institutions such as the police, justice, prison, social work and the mental health system [in the State], articulating the moral economy of these issues at the national level and the moral work of the social agents in their respective institutions".

The humanitarian has become a trend, and a language, that moves feelings and values, and that identifies and legitimizes administration practices of women's bodies. The humanitarian government has often guaranteed a sort of regulatory function assuming that "we", on this side of the world, are the only ones who can ensure progress in its most human and civilizing meaning. For this reason the humanitarian government embraces the spirit of penal populism and social regression that characterize the Europe of "clash of civilization" in its relation with migration, and does not make a point of struggles leaded by "southern women" and of their result.

As long as it concerns the Italian law n. 7/2006 I am certainly not the only one to have noticed how much this norm does not take into consideration its social efficacy. In truth a certain vision of social bound by a moral otherness is meant to be conceived that results in a repressive approach presented contradictory as a deterrent, rather than focus on real prevention upon which even legal experts have expressed themselves. In fact encouraged, not only by anthropology, often branded, wrongly, by relativism as a form of justification, rather by penal law, Law n. 7/2006 has not only created two new forms of crime (mutilation and lesion), but has defined a new type of reaction to those in the legal field which are "Culturally Motivated Crimes" committed by male and female immigrants.

An unusual reaction in the European conceptualization that is not at all traceable in the assimilationist French model nor, even less, in the British multiculturalism but rather to what Basile (2007: 56) defines as the "reaction of intolerance" and which we call instead a renewed neo-colonial dimension which dictates genre.

Looking at the French experience, Jean-Loup Amselle (1991, 1996), twenty years ago, had identified the reasons of multiculturalism starting from the colonial and national history, underlining some contradiction between excision and the repressive law that France had adopted without achieving the expected results. Today this matter is still part of the wider debate between universalism and cultural relativism. The French experience has gone from laxity during colonial situations to intolerance of the last decades.

The Italian legislator as also jurists have likewise emphasized, has relentlessly employed all available instruments at the level of penalties on FGM compared to common personal injury, in which the operations could be included, providing major penalties far too stringent, special additional

penalties even up to the point of administrative sanctions for the entity in the event that the operation was performed in a medical setting. This last point should at least make us reflect on the circumcision which is performed in a social health setting, as was also invoked by the judge in the Bari case. During my research, as well as during some training courses in various Italian towns, I could observe, as gynaecologists an midwifes have reported, that the circumcision of male new-born is asked by immigrants parents immediately after birth and it is done all-depending on the National Health System as it was a "therapeutic surgery".

In the specific female case, there is an authentic "additional dis-value" that resides, and we have seen this in the *sunna* case, "in the cultural motivation of the fact, and certainly not in a more harmful lesion" (Palazzo in Basile 2007: 56) as well as considering the body of the Other as *minor,* as if a synonym of atavistic, primitive disguised by the humanitarian formula of "victim protection" to be safeguarded. Besides humanitarian has become a trend, and not just a language, which mobilizes intrinsic values and affections, and which serves to define, but also to justify governance practices on women that, in this case, become biopolitics on the bodies in field, often by other women, "us".

Thus the defence of the victims, through an appeal to emotion and compassion, ubiquitous in our domestic history on FGM leads to use their bodies as sites par excellence, good for thinking about humanitarian action.

The claimed and longed for emancipation, even for the Others, hides, behind the facade of "universal sisterhood", just another neo-colonial representation where "African women" are always seen as weak, vulnerable, defenceless and, particularly, to be saved hence fuelling the political agendas of the right under the form of "acculturation protectionism", as well as the left, under the form of altruism, encouraging governments to resort to the penal horizon in order to recognize the rights of women. Because they are recognized as "weak" (sub)objects, not by coincidence, albeit with a few exceptions to the trend of gender policies and penal law on gender violence, especially in Italy, they are aimed at overturning the old relation "from victims to indicted" into its opposite "from indicted to victims" thus glorifying male authoritarianism and female "feebleness" stereotypes.

The "humanitarian government" has often assured and would continue to assure, a sort of regulatory function, taking upon itself the sense of the alleged progress that only we, from this side of the world, would be able to guarantee, in its broadest sense of human acceptation and, at the same time, redeemer (or civilizer). Just for this reason it perfectly embraces the climate of widespread penal populism and social regression which characterize the Europe of "civilization clashes" in its relationship with migration, without taking into consideration the battles carried out by the "women of the south of the world" and their relative results.

Moreover, Foucault has said, "In relation to societies that we have known until the 18th century, we have entered a phase of judicial regression;

the constitutions written in the world following the French Revolution, the codes drawn up and revised, along with a permanent and noisy legislative activity should not create illusions: these are the forms that make an essentially normalizing power acceptable" (Foucault 1976: 1990).

As we have already noted elsewhere, the relationship between the immigrant, her body and the host society reveals all its contradictions to the point that it is impossible not to see how this same body, reinterpreted through the prism of gender, is, in certain circumstances, like those examined, "foreign" and "incomprehensible", or rather "instrumentally in-comprehensible", fuelling potential social conflicts in thinking to solve them.

In this sense what comes into conflict is, on one hand, the processes of incorporation related to the social-cultural experience of the context of origin which define identity and membership, and, on the other, a model of corporeality that the host society proposes, expecting that the immigrant incorporates it as a form of "preventive acculturation", or through the severity of the law. The latter is a mechanism that determines the cancellation of social-cultural identity and experience that precedes one's arrival in Italy, which is offset by a humanitarian-oriented vision that proposes a regression to "our" natural body (woman's) and, thus, becomes a nameless and *nomos* reality.

If we were to agree that an irreversible modification/mutilation, such as that related to circumcision, is legitimate and in some way educational, even when it leads to death, the other, a mere symbolic action, becomes unlawful and repressed by prosecution. These circumstances should be referred to the "integration issue", currently a universal term that for the most part simply translates—the Verona story confirms—forms of forced acculturation, including discrimination based on gender: policies for a true re-education, disguised and hidden under the false guise of a surface interculturality that does not affect the foundational characteristics of inequality (Pompeo 2009). Moreover also the cancellation, at the time of the passing of the law, of the provision for the right to asylum and refugee status for women who intend to elude or have their minor daughters elude the risk of being subjected to these practices, has made it clear "how the intent of the legislature was not to seek an effective solution of the phenomenon, but rather to 'symbolically' strike other cultures deemed 'non-integrable' and therefore unacceptable" (Brunelli 2007: 579-580).

These two events lead us once again to insist on a correct representation of contemporary corporeality that takes into account the diversity of the experience of migration, in its extraordinary anthropological-social relevance. In this respect, the two stories highlight how women's bodies, immigrant girls', are an "objectified" body, a negative cast, or rather a de-subjected body and completely re-determined, totally opposed to "Our" freed body. Today we can request, as well as for our daughters, an actual reduction of the clitoris, non-therapeutic, which is not called clitoridectomy but clitoral

repositioning, the latest trend of intimate cosmetic surgery, ageless because is done on even on teenagers with the consent of their mothers, without incurring any penal law.

(Un)Disciplined Conclusions

Multiple media outlets have declared the trend alarming and, for example, in more than one circumstance "The Guardian"[11] has denounced the boom in England of the latest trend of cosmetic surgery or better known as the "designer vagina", "intimate restyling" or "Female Genital Cosmetic Surgery" (FGCS) to which more and more women in Italy are turning[12]. The FGCS includes actions ranging from vaginoplasty or vaginal tightening, which tightens the muscles of the vagina in order to "rejuvenate" them, to clitoral repositioning or clitoral lifting, that is, partial excision of the clitoris, according to the surgeons, "to proportionalize"[13].

This sector of intimacy, to which women turn because a visual inadequacy is perceived that generates uncomfortableness and also to improve sexual response, is proposed as a support, accessible and affordable (payments in instalments have increased), for re-solving problems regarding, not so much and not only for an aesthetics aspect itself, but for sexual satisfaction that, in turn, would be related to a general shift in the imagery of a femininity that is surgically "enhanced" (Fusaschi 2011b). The image of a woman in control of herself, and her body, which is modified through a process of self-awareness, in contrast to a traditional feminist dialectic, into a body that is untouchable in order to not incur an umpteenth demonstration of long patriarchal arm.

Although without therapeutic indications, other than those established by the applicant (a consumer more than patient), the FGCS invest the same body parts, and functionality, which, through means of different modalities, are the object of FGM. In the analyses of the consequences, firstly physical,

11. Marie Myung-Ok Lee, "Designer vagina surgery: snip, stitch, kerching!", *The Guardian,* 14 October 2011. See also M. Silver, "The female genital surgery conspiracy", *The Sydney Morning Herald,* 7 march 2013, who writes "The most popular procedure is labiaplasty which is covered by Medicare. Although parental permission is required this procedure has been performed on girls as young as 14 years old"; R. Sanghani, "Designer vagina' surgery most popular with 18-24 year olds", *The Telegraph,* 23 july 2014.
12. According to the Associazione Europea di Ringiovanimento e Chirurgia Plastica ed Estetica Genitale, <http://www.arpleg.it/index.php?option=com_content&view=article&id=75&Itemid=137> (3 July 2011). In 2013 in Italy the labiaplasty registered an increase about 24% (in the USA about 50%), I. D'Aria, "Chirurgia plastica, boom dei ritocchi ai genital", *La Repubblica,* 14 October 2014.
13. Followed by labiaplasty (reduction and reshaping of the labia minora and clitoris), hymenoplasty or rivergination, mons pubis liposuction, G-spot amplification, or G-Shot (collagen injection in the "G-spot" to increase sexual pleasure).

in view of different procedures (hi-technical *versus* rituality)[14], we can detect similar elements that relate to issues of social-cultural compliance, choice, responsibility, both individual and collective, and its elaboration in accordance with law and rights because save the element of consent for the same action, technological or ritual, it is the imaginaries which "make a difference".

The context in which the FGCS has spread, perhaps the market share, is anchored by a desire and relative consensus of the petitioner proposing a certain image of woman's corporeality, smooth and apparently young, reputed for this to be potentially more active thanks to investment in the body as "erotic capital". This image is superimposed, or rather contrasted, to that of a complex femininity and not only carnal. In this manner the FGCS conveys "body images" and new protagonists that lie beneath a disguised, and often confused, choice actually promotes new cultural patterns of consumption (as a form of emancipation), not directly related to only the male domain, and towards which supervision reveals, in our view, to be necessary where data show that some of these operations are carried out on minors, with explicit consent of their mothers (Fusaschi 2013).

We cannot note the difference in judicial relevancy in the traditional phenomenon, for which there is penal action and FGCS has no relevance, for the same non-therapeutic operations. This also contributes to building two different images of women and their femininity: in FGM it is believed that women are the *victims* of Culture, in FGCS that they are the absolute *protagonists* of Culture, or rather "our" civilization, the last, and desired stage evolved to an anachronistic vision, but unfortunately present, of progress. The "victim body" is always identified with the Others, and the "liberated body" is always ours.

As a first non-ethnocentric step, we could also then try to bring into discussion some of our "anchor points" in regards to a woman who is too often trapped in the dichotomy between the right to change her body *versus* the duty not to harm!

In this sense, the Verona case is particularly illuminating on the rational that the State has made in regards to migration, for which the immigrant becomes, herself, morally suspicious. She is bound to a "social hypercorrectness" (Sayad 1999), because it is always on her body that bears a suspicion of "origins" and throughout her lifetime she will be forced to confront herself, without any prospect of subtraction. Acting on the "body" of the Others, re-educating "in her protection" makes her an separately governed object, interpreting a reassurance of the "body of the State" so that it is believed to be a guarantor of a national and moral order.

History shows how some categories of people have experienced the "re-correction of the body", considered as the disciplining of conduct; the body,

14. I addressed this issue in M. FUSASCHI (2011a: 125-152).

in this sense, is corrected by an external intervention that, in the paradox of over-protection, tends to restore an alleged social order and, therefore, to its "normalization" and differentiation. The body of migrants can find a position of legitimacy in the host society, only through the implementation of a bio-political device that is to be defined as a "new body", to re-adjust, re-regulate to make it appropriate for "our" common living. After all, it boils down to a paradoxical "retrofit" or "compliance", consequence of an actual power of normalization, where one is controlled from above, in order to produce the good citizen within the space of the national State that prescinds from past history and identity, creating what G. Agamben (1995: 199) has called "the original service of sovereign power".

Finally, at the end of 2012 with the formula "the fact does not amount to a crime" the Court of Appeals of Venice decided to absolve the Nigerian parents of two girl children overturning the first instance verdict of the Verona's Court of the 14 April 2010.

The Court of Appeal, considering all the statement of the accused, believed that the parents did not act with the aim to damage the sexual functions of their daughters. This fact appeared also from the deposition of two university professors who explained the reasons why the Edo-Bini practice the *aruè,* affirming that the meaning for the social actors are connected with identity and the purification function. The judge of the first instance committed a mistake, as it is demonstrate by the documents, considering a specific malice.

Finally, even if the parents had had an intention to harm symbolically sexual functions of the girls, according to the judge, the lesion on the genitals was not "concretely real" to damage these functions because it was not a permanent genital modification. It was in fact reversible.

If we speak of cultural diversity and a way to manage it "it will be advisable to abandon any and all short cuts established by the adoption of merely symbolic laws, expression of intolerance and myopic perseverance against the diverse, a sad example of which unfortunately seems to be offered by [...] law 9 January 2006, no. 7" (Basile 2007: 58).

One last question: after all does it really comfort us to believe that if we cannot manage our own bodies, we are still perfectly capable of colonizing that of the Others?

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ABSTRACT

On 2006, a Nigerian woman was arrested in the northeast of the Italy and she was charged with the offense of "female genital mutilation" in compliance with Italian Law 7/2006 entitled "provisions concerning the prevention and prohibition of the practice of female genital mutilation". On 2008 in Bari, in the south, a two-month-old Nigerian infant died following severe haemorrhaging caused by a circumcision performed at home by a compatriot. These two episodes, notwithstanding their difference in context and time, could seem very distant from each other, but these cases are connected exactly at the point where they divide. From the official documents the anthropological analysis focuses on the messages that can be defined as "humanitarian moral". So the legal implications of these events constitute important precedents and if read, from a gender perspective, help us to shed light on what might be called "differentialist neo-sexism", which implies the perception of the Other corporeality in the so-called host society. Still, following the two stories sheds more light on what the idea the nation state has regarding the body of immigrants, in general the Others, and in particular on "culturally relevant" treatment of the woman under the law.

RÉSUMÉ

Corps humanitaires. Genre, économie morale et modifications génitales dans la politique migratoire italienne. — En 2006, une femme nigériane a été arrêtée dans le nord-est de l'Italie et accusée du délit de « mutilation génitale féminine » en conformité avec la loi italienne de juillet 2006, intitulée « dispositions relatives à la prévention et l'interdiction de la pratique des mutilations génitales féminines ». En 2008 à Bari, dans le Sud, un nourrisson nigérian, âgé de deux mois, est décédé à la suite d'hémorragies sévères causées par une circoncision effectuée à la maison par un compatriote. Ces deux épisodes, malgré leur différence de contexte et de temps, pourraient sembler très éloignés l'un de l'autre, mais ils ne le sont pas réellement. D'après les documents officiels, l'auteure analyse anthropologiquement les messages qui peuvent être définis comme une « morale humanitaire ». Ainsi, les conséquences juridiques de ces événements constituent des précédents importants et, grâce à une lecture au prisme du genre, ils aident à mettre au jour ce qu'on pourrait appeler un « néo-sexisme différentialiste », impliquant la perception de la corporéité de l'Autre dans notre société. Pourtant, ces deux histoires aident à comprendre l'idée de l'État en ce qui concerne le corps des femmes immigrées, les Autres africaines, et en particulier « le traitement culturel » de la femme africaine devant la loi.

Keywords/*Mots-clés:* Italy, African women, anthropology of humanitarianism, body, circumcision, clitoridectomy, gender, law, migration, moral economy/*Italie, femmes africaines, anthropologie de l'humanitaire, corps, circoncision, excision, genre, loi, migration, économie morale.*