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## Moolaadé (review)

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## V. CONCLUSION

As Aceves' volume attests, the *Filártiga* case is a legal landmark of which we can all be proud.<sup>90</sup> The Second Circuit's opinion also recalls a more hopeful and self-assured time. It is indeed startling to revisit this landmark case in this historical moment in which the inviolability of the once sacrosanct anti-torture norm is under attack and the legality and efficacy of torture—whether used as an interrogation tactic or even a tool to terrorize a population—is suddenly up for debate. The United States, once a beacon of human rights values, is now subject to worldwide criticism for having turned its back on the human rights edifice it helped to build. Likewise, the United States credibility as a champion of human rights worldwide and its ability to exercise global leadership on this score have been indelibly stained. In these unfortunate times of moral relativism, it is instructive to recall the uncompromising words issued by the Second Circuit in reinstating the *Filártiga* case:

In the twentieth century the international community has come to recognize the common danger posed by the flagrant disregard of basic human rights and particularly the right to be free from torture. . . . In the modern age, humanitarian and practical considerations have combined to lead the nations of the world to recognize that respect for fundamental human rights is in their individual and collective interest. Among the rights universally proclaimed by all nations . . . is the right to be free from physical torture. Indeed, . . . the torturer has become like the pirate and the slave trader before him *hostis humani generis*, an enemy of all mankind.<sup>91</sup>

These words—while somewhat muffled by the discourse of the day—still ring true and must be reaffirmed.

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### **Moolaadé, Director: Ousmane Sembène (2004).**

The fact that scholars and practitioners cannot agree on how best to describe a certain practice is an indication of the controversy and impassioned debates that the topic generates. "Female circumcision," "female genital mutilation," and "female genital cutting" are all used to describe the practice, common in some African and Muslim communities, of removing varying amounts of the female genitalia, usually in adolescent girls. It is a

90. Anne-Marie Burley, *The Alien Tort Statute and the Judiciary Act of 1789: A Badge of Honor*, 83 AM. J. INT'L L. 461 (1989).

91. *Filártiga v. Peña-Irala*, 630 F.2d 876, 890 (2d Cir. 1980).

procedure that causes the death of many girls and women, adversely affects their sexual wellbeing, and makes childbirth hazardous. For many decades, attempts to stop the practice were framed in terms of women's health and addressed as such by the World Health Organization and other advocacy groups but with limited success. With the adoption of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979, the practice began to be framed more as a women's rights issue. Apart from the human rights dimension, female genital cutting is a topic on which several other themes intersect—religion, culture, health, sexuality, gender relations, generational tensions, and even local politics. These are all issues that veteran Senegalese novelist and film director Ousmane Sembène tackles in the engaging and provocative film *Moolaadé*.

Set in a remote Muslim village in Burkina Faso, *Moolaadé* is the story of Collé, a defiant and strong-willed second wife of an elder in a West African village who refuses to allow four little girls to undergo the traditional circumcision ceremony. After losing two daughters in childbirth due to her own circumcision, Collé had refused to allow her surviving daughter, Amasatou, to face the ordeal of being cut. She is thrust into an unfolding drama of village politics when she offers *Moolaadé* (protection) to the girls who escape the circumcision ceremony. *Moolaadé* is the mystical protection which in the local custom can be invoked to provide asylum. Collé's interference draws the ire of her deeply patriarchal community which sees her action as an affront to its culture and Islamic religion. Collé can lift the *Moolaadé* with a single word and comes under the intense pressure of the male elders, her husband, and some fellow women to do so. Her

resolute refusal to lift the *Moolaadé* draws other women and girls to her cause and sets the stage for a standoff with the village elders that erupts in the center of the village and shatters the tranquility of the community.

Unlike many recent films made in Hollywood about Africa, *Moolaadé* is a story about Africa made by Africans from a distinctly local perspective. Yet, it speaks to universal themes of power, oppression, and emancipation. In depicting one woman's struggle to protect others from an oppressive and inhibiting tradition, Sembène brings great sensitivity and nuance to a topic that is often discussed from simplistic, patronizing, and polarizing standpoints. He deftly explores not only the conflict between local traditional values and the influence of modern ideas, but also the gender and generational tensions within a community largely isolated from the outside world. Although the film obviously seeks to challenge the practice of female genital cutting and raise questions about its legitimacy, it does so with sensitivity to underlying social complexities. It provides a glimpse into the perspective of local African tribesmen who see the practice of female genital cutting as a process of "purification" and older women who see it as a necessary rite of passage for their daughters. However disagreeable their positions may appear, Sembène brings their voices to the story in a way that is neither condescending nor patronizing.

Beyond its message, *Moolaadé* is a cinematic delight. Sembène assembles a group of colorful characters that add depth to his portrayal of rural African life and make for a more compelling storyline. Although this film is essentially about the local tribulations of an African village, it still manages to engage the outside world through two intriguing characters—a local itinerant vendor,

nicknamed Mercenaire, who previously worked as an aid worker, and a favored son of the village Chief, Ibrahima, who returns home from his studies in France to take a bride. Having seen the world beyond the village and being convinced of the need for change, both characters become unlikely allies of Collé and the village women in their struggles to end the practice of female genital cutting. Such unlikely partnerships forged across ethnic, class, gender, and generational lines have historically been crucial to the success of human rights struggles. In the campaign against the practice of female genital cutting, they are essential, and *Moolaadé* shows us why.

Ultimately, this movie is not simply about oppression and social turmoil or about progressive citizens and regressive traditions. It is more about the resilience of the human spirit and the tenacity of ordinary people determined to change their destinies. It is an excursion into the dilemmas that confront a society caught in the midst of social and cultural change. For the human rights scholar and teacher, it provides a subtle but invaluable resource for raising awareness about the practice of female genital cutting and offers a means of understanding and explaining a controversial topic to an audience unfamiliar with the social and cultural intricacies associated with the practice. *Highly recommended.*

#### Bonny Ibhawoh\*

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#### **14 Kilometres, Director: Gerardo Olivares, Country: Spain (2007), Duration: 95 minutes**

Fourteen kilometers is the geographical distance between the African continent and the South of Europe. It is, however, more than that. It also serves as the insurmountable obstacle that negates the dreams of millions of African teenagers who see the Western world as their only hope to escape from hunger, misery, and despair. *14 Kilometres*, a movie that was awarded “Best Film” at the Seminci Festival (Valladolid, Spain, 2007), wisely combines fiction and documentary to explore the human dimensions (and, unfortunately, inhuman dimensions) of the dramatic adventure of Sub-Saharan African migration to Europe. This journey can last months or even years, and all too often the final destiny is death—either in the sands of the desert or in the dangerous waters of the Atlantic Ocean and the Mediterranean Sea.

The film *14 Kilometres* is based on the story of Violeta Sunny, Buba Kanou, and Mukela Kanou, who represent an entire generation of African young people whose only desire is to migrate to Europe. Violeta escapes from a forced marriage with a much older man of her village and his repeated sexual abuse; Buba wants to be a football (soccer) star for one of the leading European teams, and he travels the entire way with a t-shirt of Real Madrid and a foot ball; and the third traveller is Mukela, Buba’s brother, who is responsible for convincing his brother to leave his village and make the journey but who ultimately dies in the harsh desert.

The three initiate their odyssey in Ni-ger, crossing the Tenere and the Saharan deserts until they reach the Moroccan coast, where only two of them finally