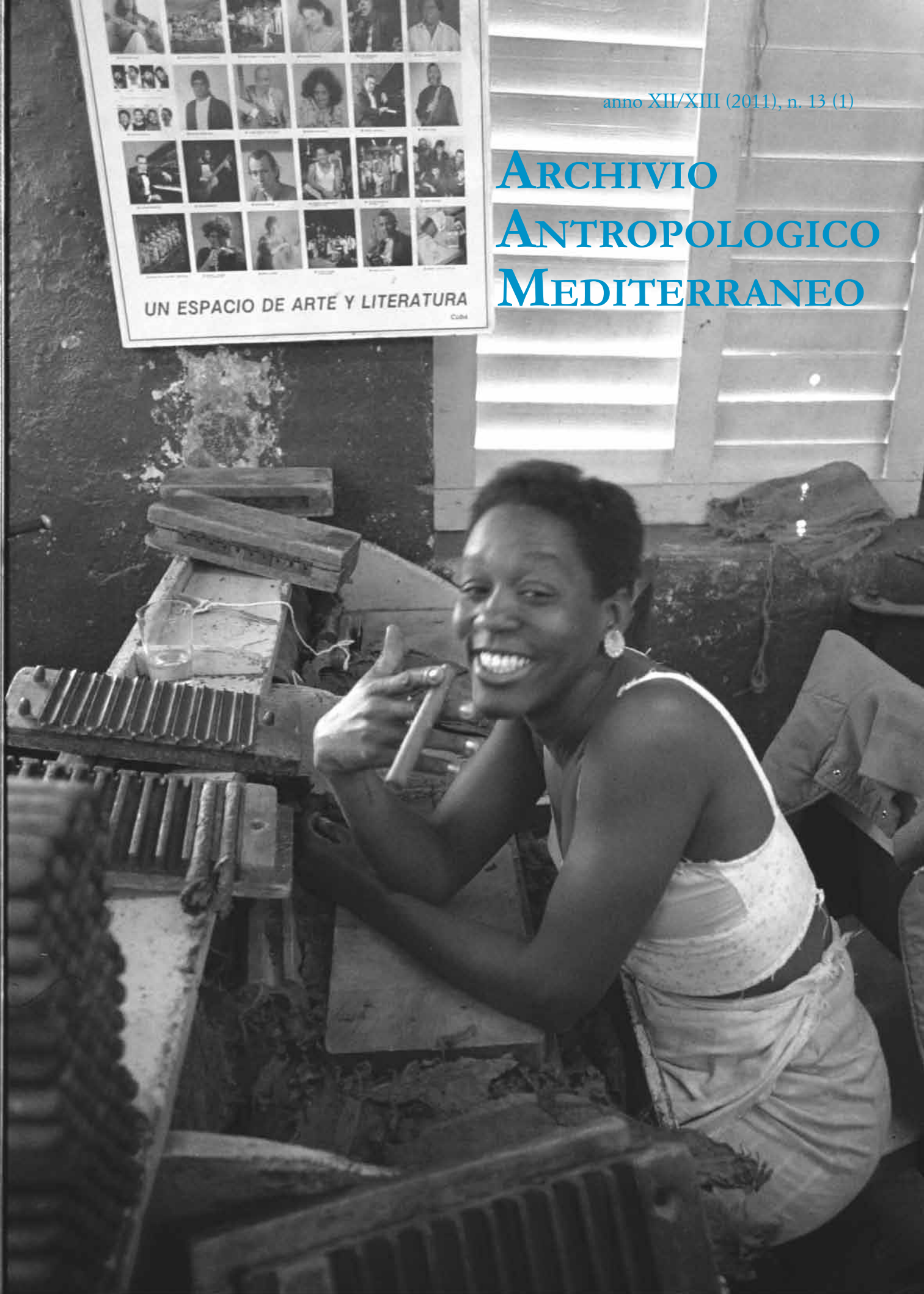


anno XII/XIII (2011), n. 13 (1)

# ARCHIVIO ANTROPOLOGICO MEDITERRANEO

UN ESPACIO DE ARTE Y LITERATURA

Cuba





ARCHIVIO ANTROPOLOGICO MEDITERRANEO on line

anno XII/XIII (2011), n. 13 (1)

SEMESTRALE DI SCIENZE UMANE

ISSN 2038-3215

Università degli Studi di Palermo  
Dipartimento di Beni Culturali, Storico-Archeologici, Socio-Antropologici e Geografici  
Sezione Antropologica

Direttore responsabile  
GABRIELLA D'AGOSTINO

Comitato di redazione  
SERGIO BONANZINGA, IGNAZIO E. BUTTITTA, GABRIELLA D'AGOSTINO, VINCENZO MATERA,  
MATTEO MESCHIARI

Segreteria di redazione  
DANIELA BONANNO, ALESSANDRO MANCUSO, ROSARIO PERRICONE, DAVIDE PORPORATO (*website*)

Impaginazione  
ALBERTO MUSCO

*Comitato scientifico*

MARLÈNE ALBERT-LLORCA

Département de sociologie-ethnologie, Université de Toulouse 2-Le Mirail, France

ANTONIO ARIÑO VILLARROYA

Department of Sociology and Social Anthropology, University of Valencia, Spain

ANTONINO BUTTITTA

Università degli Studi di Palermo, Italy

IAIN CHAMBERS

Dipartimento di Studi Americani, Culturali e Linguistici, Università degli Studi di Napoli «L'Orientale», Italy

ALBERTO M. CIRESE (†)

Università degli Studi di Roma «La Sapienza», Italy

JEFFREY E. COLE

Department of Anthropology, Connecticut College, USA

JOÃO DE PINA-CABRAL

Institute of Social Sciences, University of Lisbon, Portugal

ALESSANDRO DURANTI

UCLA, Los Angeles, USA

KEVIN DWYER

Columbia University, New York, USA

DAVID D. GILMORE

Department of Anthropology, Stony Brook University, NY, USA

JOSÉ ANTONIO GONZÁLEZ ALCANTUD

University of Granada, Spain

ULF HANNERZ

Department of Social Anthropology, Stockholm University, Sweden

MOHAMED KERROU

Département des Sciences Politiques, Université de Tunis El Manar, Tunisia

MONDHER KILANI

Laboratoire d'Anthropologie Culturelle et Sociale, Université de Lausanne, Suisse

PETER LOIZOS

London School of Economics & Political Science, UK

ABDERRAHMANE MOUSSAOUI

Université de Provence, IDEMEC-CNRS, France

HASSAN RACHIK

University of Hassan II, Casablanca, Morocco

JANE SCHNEIDER

Ph. D. Program in Anthropology, Graduate Center, City University of New York, USA

PETER SCHNEIDER

Department of Sociology and Anthropology, Fordham University, USA

PAUL STOLLER

West Chester University, USA



UNIVERSITÀ DEGLI STUDI DI PALERMO  
Dipartimento di Beni Culturali  
Storico-Archeologici, Socio-Antropologici e Geografici  
Sezione Antropologica



fondazione ignazio buttitta

## Indice

### Ragionare

- 5 Tzvetan Todorov, *Le scienze umane e sociali. Uno sguardo retrospettivo*
- 11 Ulf Hannerz, *Operation Outreach: Anthropology and the Public in a World of Information Crowding*
- 19 Helena Wulff, *Cultural Journalism and Anthropology: A Tale of two Translations*
- 27 Ralph Grillo, *Cultural Exclusion: Migrant Minorities and the Law in the UK*

### Ricercare

- 37 Valentina Rametta, *Il desiderio del selvatico. La Wilderness come categoria antropologica dell'immaginario*
- 55 Paolo Favero, *Blessed be the Good Soldier: Cinema, Media and the Manufacturing of Nationhood in Post 9/11 Italy*
- 67 Stefano degli Uberti, *Turismo e immaginari migratori. Esperienze dell'altrove nel Senegal urbano*
- 85 Tommaso India, *La cura dell'uchimvi: nota sulla medicina tradizionale dei Wabehe della Tanzania*
- 101 Alessandro Mancuso, *Concezioni dei luoghi e figure dell'alterità: il mare tra i Wayuu*

### Divagare

- 119 Antonino Buttitta, *Don Chisciotte innamorato*

### Documentare

- 131 Giuseppe Giordano, *Stabat Mater di tradizione orale in Sicilia*

147 Abstracts

*In copertina:* Foto di Nino Russo (Vinales Cuba, 1993)

Ralph Grillo

# *Cultural Exclusion: Migrant Minorities and the Law in the UK<sup>1</sup>*

## 1. Introduction

As is well-known, all contemporary European societies are, to greater or lesser degrees, multi-ethnic and multi-cultural, notably in terms of the diversity which has stemmed from the mass immigration of workers and refugees, and their settlement. Currently, however, the issue of cultural difference and its limits is highly contentious, as is observable in the media, election manifestos, parliamentary debates, statements by religious leaders and politicians, policy initiatives at local, national and international levels, and in the daily preoccupations of, for instance, social workers and teachers. Among the many interested parties are the various groups and individuals concerned with or touched by the law, and this paper deals specifically with the legal field, focusing on the law in relation to “other”, possibly conflicting, values and practices, principally in the British context.

Study of the interaction between cultural diversity and the law and legal practice has a long history in Europe and North America<sup>2</sup>, but since the turn of the millennium that interaction has assumed increasing importance. There are several reasons for this. One is simply that the cultural plurality stemming from immigration and migrant settlement has been growing and this may bring individuals, families, sometimes whole communities, within the purview of the law, especially if they are trying to live transnationally. Living multi-sited, and often multi-cultural lives, for example, organising families across borders, may bring people into contact, and perhaps conflict, with multiple legal systems. The world of migrants, refugees, and settled minorities is often multi-jurisdictional and trans-jurisdictional. At the same time, some people from such backgrounds may seek to maintain some values and practices potentially at odds with those of the societies in which they have settled and therefore perhaps “problematic” so far as the law and public policy is concerned. Demographic changes within what are now maturing populations, and changes in family dynamics (e.g. in the relationships between

generations and generations) may also have legal implications.

What is happening regarding the legal accommodation of those practices? “Accommodation” here refers to the extent to which those operating in, or in the shadow of, the law, adopt a perspective in which they are sensitive to, and make room for, “other” values, meanings and practices. Its opposite is “cultural exclusion”, the outcome of the failure of institutions such as the law, and their personnel, to take into account the cultural practices (in the anthropological sense) of migrants and settled minority groups of migrant origin<sup>3</sup>, when resources and rights are accessed and allocated. Those responsible may have no means (or only inadequate means) of doing so, and indeed may assume they need or should not. The consequence may be that certain groups or individuals feel there is diminishing space for their cultural practices in the public arena, and seek that space within their own (separate) institutions.

In contemporary Europe this is of particular significance for Muslims. Religious and cultural difference in Europe and North America takes many forms, but beliefs and practices associated with Islam now seem especially problematic in almost all Western countries. Thus although Muslims are by no means the only “others” in Europe (certainly in the UK religious groups such as Hindus and Sikhs enter into the picture), their situation looms large in these discussions. The heightened international prominence of Islam both before and after 9/11 is obviously significant, as are concerns that Muslims in Europe refuse to accept integration and lead “parallel lives”, or more fantastically seek to bring about the “Islamisation” of Europe. These have influenced debates and legislation about matters such as veiling and arranged marriages with implications for what courts decide. Moreover, countries such as Saudi Arabia, and Muslim scholars operating internationally, have driven claims for the recognition of Islamic legal practices and principles, that is to say Shari’a. This is occurring in a context where there is a world-wide “judicialisation” of politics, that is

what Hirschl (2008: 94) calls the «ever-accelerating reliance on courts and judicial means for addressing core moral predicaments, public policy questions, and political controversies». This in turn is related to an increasing globalisation of the legal sphere, with the proliferation of cultural and religious claims by individuals and activist movements on the basis of international conventions of human, cultural and gender rights.

This is a large topic and the present paper addresses only part of it<sup>4</sup>, and specifically in relation to the UK. Section 2 discusses the concept of cultural exclusion and its relevance to social exclusion and discrimination, while Section 3 presents a brief preliminary example which concerns Hindus and Sikhs. Section 4 develops an extended case study of cultural exclusion or potential cultural exclusion affecting Muslims, which focuses on *mahr* or dower, a form of marriage payment. The concluding section reflects on some of the difficulties entailed in operationalising the concept of cultural exclusion.

## 2. Cultural Exclusion

Discrimination and social exclusion are closely connected and central to the discussion of (immigrant) integration. That discussion is frequently economic in character and closely associated with employment and unemployment. But economic life is by no means its beginning or end. Social exclusion is a wide-ranging phenomenon and the exclusion which characterises the experience immigrants and their families can by no means be reduced to matters of income or employment, no matter that these have an important part to play in it. Thus a concept of cultural exclusion needs to be deployed alongside that of social exclusion, and in theoretical terms this broadens the notion of social exclusion in a way that speaks directly to the work of anthropologists.

The term “cultural exclusion” was originally suggested to me by my Sussex colleague Katy Gardner as one which best represented some of the problems she was exploring in her work on Bangladeshis in London (e.g. Gardner 2002). It is used quite widely, without an agreed meaning, and is sometimes employed, as if what it connotes were self-evident, which is far from the case.

Several usages may be identified. First is an alternative way of referring to exclusion on racial or ethnic grounds, with culture and social identity seemingly conflated: “culture” simply substitutes for the “r” or “e” words (e.g. Croucher 2006; Hoch 1993; Leontidou et al. 2005). Bun’s paper (2006) on the response of Hong Kong Chinese to Pakistani

women migrants who insist on dressing themselves and their children in “traditional” Pakistani Muslim garb, including the headscarf, is a more sophisticated version of this approach. There is a hostile (discriminatory, racist) response to difference represented by a particular cultural practice. Dress is a metonym, the outside and readily visible sign of “otherness”, but it is the (racial) otherness of the Pakistani women to which objection is made rather than the garb as such. This is not quite the same as what has been called “cultural racism”, biological racism expressed through the language of cultural difference, significant though that is, nonetheless there are similarities between cultural racism and cultural exclusion in this first sense. A related approach is taken by Michie (1993), who uses the term to refer to the exclusion of Victorian women writers from the realm of high culture, that is cultural exclusion through (gender) discrimination. As Will Kymlicka points out, other groups too, such as religious minorities or gays, may feel excluded, despite common citizenship, «not because of their socio-economic status, but because of their socio-cultural identity – their “difference”» (1995: 180).

This first approach, then, is about exclusion on the grounds of social identity. A second approach concerns exclusion through lack of appropriate social capital. Gramsci, perhaps reflecting on the situation of those from a background similar to his own, remarked in a famous passage:

Someone who only speaks dialect, or understands the standard language incompletely, necessarily has an intuition of the world which is more or less limited or provincial, which is fossilised and anachronistic in relation to the major currents of thought which dominate world history. His interests will be limited [...] not universal (1978: 325).

Gramsci was writing about access, and from this point of view the dialect speaker (in Gramsci’s example) is culturally excluded from the mainstream of society. This form of exclusion through lack of linguistic capital has implications for the organisation of ethnic minority communities and their members’ relations with the dominant (host) society. It represents an important aspect of social exclusion distinct from, though related to, other, more material, aspects. Gramsci’s concerns (Michie’s too) are similar in some respects to T.H. Marshall’s (1964). Kymlicka (1995), reviewing Marshall’s account of citizenship, draws attention to his argument that the working class, with its own (sub) culture, was excluded from participation in the national culture, a condition which Marshall sought to tackle through an inclusive notion of citizenship



and the reduction of material inequalities. Whereas in the first approach identity is crucial, for Marshall and Gramsci cultural exclusion is rooted in different ways of life or language.

This approach is taken further in a paper by van Hensbroek (2010) which also builds on ideas about cultural liberty proposed by the UNDP (2004, see further below). Van Hensbroek adopts a Geertzian, semiotic, approach to culture as «socially constructed “webs of meaning”» (2010: 321). This, he says, provides a «conceptual tool for identifying and assessing relevant forms of cultural exclusion, as distinct from political exclusion» (*ibid.*), he proposes a concept of “cultural citizenship” alongside but distinct from “political citizenship”, along the following lines (2010: 322):

The focus of both political and cultural citizenship, then, is on the idea of co-production as a normative social ideal. The political citizen can put forward the positive claim to be involved, that is, can claim political actorship while rejecting any claim of some to be a “natural”, “divine” or “traditional” guardian of power (such as in an aristocratic system). Similarly, the cultural citizen can claim co-authorship and thus also the right to challenge any authoritatively or traditionally established cultural consensus and hegemony. While political citizenship concerns the process of decision-making in society, cultural citizenship concerns that of meaning-making. *The essence of the idea of cultural citizenship is then: to be co-producer, or co-author, of the cultural contexts (webs of meaning) in which one participates* [his emphasis].

Cultural exclusion, therefore, implies absence (intended or unintended) from the process of co-production of culture and meaning.

As with Gramsci, language also figures prominently in a third approach. Cultural exclusion may appear in many guises and at many levels. For example, it may operate in similar fashion to what is called “institutional racism”, racism, or exclusion, which occurs (often inadvertently or unconsciously) because of the way in which an institution works. Research in the ethnography of speaking by John Gumperz (1982), on encounters involving bureaucrats and their clients from different ethnic and cultural backgrounds, reveals the frequent occurrence of the phenomenon sometimes known as cultural or sociolinguistic “interference”. In Gumperz’s view the linguistic and cultural are intertwined: the way discourse is organised varies from culture to culture, and there are culturally distinct conversational conventions. Their employment by participants from different backgrounds gives rise to incorrect inferences, misunderstandings, and

communicative breakdown. Cultural interference may be glossed as coding and decoding information in one culture “ethnocentrically” by reference to codes appropriate to another. It thus bears resemblance to what Umberto Eco (1976) calls “overcoding” and “undercoding”, which contrast two ways of “reading” a text. Undercoding is defined as «the operation by means of which in the absence of reliable pre-established rules, certain macroscopic portions of certain texts are provisionally assumed to be pertinent units of a code in formation» (Eco 1976: 135). He cites a person attempting to understand a foreign language who gradually becomes aware that a certain range of phrases and gestures have something to do with “friendship”. The data are reduced by a sort of “rough coding”, as he calls it, to a few working notions. Overcoding, on the other hand, expands on the text. Thus cultural exclusion is among other things about intercultural communication at the inter-face between different types of knowledge and power, and may be observed in cultural misunderstandings at that interface, and the mismanagement of codes. We might call this cultural exclusion though cultural/sociolinguistic/discursive “interference”.

Fourthly. As noted above, van Hensbroek’s account of cultural exclusion developed ideas outlined in the UNDP’s *Human Development Report 2004*, sub-titled *Cultural Liberty in Today’s Diverse World*, whose principal architect was Amartya Sen. The central idea is “cultural liberty”:

Human development requires more than health, education, a decent standard of living and political freedom. People’s cultural identities must be recognized and accommodated by the state, and people must be free to express these identities without being discriminated against in other aspects of their lives. In short: cultural liberty is a human right and an important aspect of human development - and thus worthy of state action and attention (UNDP 2004: 6).

Cultural exclusion is what happens when cultural liberty is curtailed, and this, the Report argues, takes two forms: “living mode exclusion” and “participation exclusion”. The latter refers to discrimination or disadvantage on grounds of identity, which takes us back to the first way of defining cultural exclusion. The former, however, «denies recognition and accommodation of a lifestyle that a group would choose to have and that insists that individuals must live exactly like all others in society» (*ibid.*). Although they do not refer to him, the philosopher Isaiah Berlin’s account of freedom is relevant here. Legislating against racial and religious discrimination, for example, provides

what Isaiah Berlin called “freedom from” (Berlin 2002: 178). But in Berlin’s view there is another kind of freedom, “freedom to”, which he glosses as «the freedom which consists in not being prevented from choosing as I do by other men» (*ibidem*). Thus “cultural liberty” is a form of “freedom to”; cultural exclusion is a restriction of cultural liberty/“freedom to”.

The UNDP Report is a wide-ranging attempt to identify forms and types of cultural exclusion in this sense and its overlap with other types of exclusion. Living mode exclusion may be difficult to identify, it argues, though in extreme form it may involve restrictions promulgated by the state, with «policies to suppress or prohibit the use of languages or religious or other important practices such as dress that are visible markers of identity – for example, turbans worn by Sikhs or the headscarf worn by some Muslim women» (UNDP 2004: 30), and one might add the *burqa* or *niqab*. Nevertheless, «attempts can be made to gain a rough idea of the scope of the problem based on some key cultural markers such as religion, language and ceremonial practices» (2004: 31), and important sections of the report are devoted to surveying the extent of such exclusion across a wide range of countries, and considering it might be remedied.

While van Hensbroek’s ideas are attractive (and mesh with an approach to multiculturalism as a negotiated order: Grillo 2010), the present paper addresses other implications of the UNDP’s concept of cultural liberty: restrictions on cultural liberty or “freedom to”. Thus, briefly, people who adhere to distinct, non-dominant, beliefs and practices may be unable to participate on the basis of equality within systems permeated by other (dominant) values (and by other languages in the literal sense), that fail to value those beliefs and practices that they bring, for example to institutional encounters. Personnel often have no means (or only inadequate means) of taking into account the practices with which they are confronted. *Indeed, it may be assumed they should not have to do so.* This may then lead certain groups to feel that there is less and less space for them in the public arena, and in consequence seek that space within their own (separate) institutions. An extended example, in this instance involving Hindus and Sikhs in the UK, may help illustrate this.

### 3. A Case about Cremation

A recent British court case (Ghai *vs* Newcastle City Council<sup>5</sup>) concerned an application by a British Hindu (Davender Kumar Ghai) to permit open air

cremations. The *Law Reports*<sup>6</sup> summarised as follows:

The claimant [Mr. Ghai] was an orthodox Hindu. He wished his body to be cremated on an open air pyre following his death, and he also wanted similar open air funerals for other Hindus. He approached the defendant local authority to facilitate those goals. The authority rejected his approach on the ground that open air funerals were unlawful under [an Act of 1902].

It added that the claimant, who was supported by various charitable bodies, contended that the Act «could not [...] override his fundamental right to undertake an open air funeral pyre in accordance with his religious or cultural beliefs», under Article 9(1) of the European Convention on Human Rights.<sup>7</sup>

The case has many angles, and the arguments put forward by the different parties, both before the judge and in the wider public sphere, not least on television<sup>8</sup> are of considerable interest. For example, the claims made by Mr. Ghai and his supporters are not as widely espoused by Hindus and Sikhs in Britain as they suggest. Not all believe that open air funeral pyres are necessary for a “good death”, a matter for considerable discussion and dispute between the experts who gave evidence on behalf of the various parties. The judge’s very detailed report drew on a variety of evidence, including that of expert anthropological witnesses, to come to a view about whether or not the practice of open-air cremation, which Mr Ghai and others were claiming as their right, could be permitted in a diverse society like the UK, taking into account the views of both the majority and minority populations and also government legislation on health and safety, pollution and so forth. His conclusions may be summarised as follows:

a) The relevant Act and Regulations does indeed prohibit the burning of human remains, other than in a crematorium;

b) Hindus and Sikhs dispute whether their religious beliefs necessitate an open air pyre and associated ceremonial;

c) Nonetheless, «the claimant’s belief in open air funeral pyres is cogent and also central to his strand of orthodox Hinduism. It is beside the point that typically Hindus in this country do not share that belief»;

d) Consequently the claimant does have a right to hold and «manifest his religious belief in open air funeral pyres» under ECHR Article 9(1);

e) However, «the prohibition on open air funeral pyres is justified» by reference to Article 9(2)<sup>9</sup> on various grounds including, as argued by the Se-

cretary of State for Justice, that «others in the community would be upset and offended by them and would find it abhorrent that human remains were being burned in this way» (para. 161).

This was not the end of the story. Mr. Ghai appealed against this verdict, and the appeal court reversed the decision. The reasons given had little to do with whether or not Mr. Ghai's beliefs were in accordance with the Hindu religion. Instead, the court sought ways in which Mr. Ghai's wishes could be accommodated within the current law. Mr. Ghai's lawyers claimed that «his religious belief does not in fact require him to be cremated, after his death, on a pyre in the open air [but] would be satisfied if the cremation process took place within a structure, provided that the cremation was by traditional fire, [and] and sunlight could shine directly on his body while it was being cremated».<sup>10</sup> An example of a suitable structure could be found in Spanish Morocco. The relevant Act, however, specified that a crematorium was a certain kind of building, and whether the proposed structure satisfied the Act hinged in large part on the interpretation of the word "building", and whether legally a building need have a roof. After much deliberation the appeal judges agreed it need not. The structure satisfied the act, and Mr. Ghai won through what was described as a typically British compromise.

#### 4. Muslim Marriages, Divorces and Divorce Settlements

Turn, now, to Muslims. Over a number of years there have been discussions in the UK and elsewhere in Europe and North America (as well as in Muslim majority countries) focusing on Muslim marriage and divorce and divorce settlements, notably concerning what happens to *mahr* (marriage payments, incorrectly often referred to as dowry). It has long been argued that in Britain and in other countries, too, Muslims must marry twice and divorce twice (see *inter alia* Pearl, Menski 1998). This relates to the difference between civil and religious marriages, the former recognised by the state, with implications for entitlement to rights and benefits, and the latter by the religious authorities. The problem is that a Muslim religious marriage ceremony (*nikah*) is not as such recognised as concluding a civil marriage, or vice versa. Nevertheless, a *nikah* may be organised so as to incorporate a civil ceremony within the proceedings. For this, the mosque or other building in which the marriage is solemnised must be officially registered as a place in which civil marriages may be conducted, and the

Imam or other person conducting the *nikah* must have been granted the appropriate authority to register the marriage. Unless this is done, a couple must go through a separate civil marriage ceremony before or after the *nikah*. Although many Muslims and non-Muslims would concur that in principle it was desirable for those who want to be married religiously and civilly to be enabled to do so, and registering mosques with the facility to conduct both ceremonies simultaneously would assist this, relatively few mosques (perhaps as few as 10%) have applied for one of their officials to be able to conduct a civil ceremony as well as the *nikah*. This has a bearing on divorce and the thorny subject of *mahr* (marriage payments).

It is said that Muslims in Britain must divorce twice just as they must marry twice. One is according to English civil law, essential if a civil marriage has been registered and the couple wish to marry legally again; the other is a divorce through Islamic law, essential if either of the couple is devout and/or wishes to remarry in accordance with religious practice and principles. The lack of one or the other may place husband or wife, but especially the latter, in serious difficulties. This is a problem faced by followers of other religions, too, notably Jews, but also, in different ways, Roman Catholics.

There are a number of ways of obtaining a divorce in Islam, but in the UK most discussion has concerned two: *talaq* and *khul'a*. The first refers to the mode of divorce which can be instituted simply by a husband pronouncing the *talaq* formula a number of times; *khul'a* is a divorce granted by a Shari'a council or court on an application by a wife. In general, in Britain as in most Western countries a *talaq* divorce is not recognised if uttered within the national territory, though such a divorce may be recognised when uttered outside the UK in a jurisdiction where it is recognised as valid by the local legal system.

Two matters concerning divorce by Muslims in the UK are the problem of so-called "limping marriages", and disputes about *mahr*. "Limping marriages" are those where the wife has obtained a civil divorce, but the husband has refused to confirm a religiously recognised divorce by pronouncing the appropriate *talaq* formula. Although some argue to the contrary, this is a problem because for a devout Muslim woman a religious divorce may be as important (indeed perhaps more important) than a civil divorce, especially if she wishes to remarry and remain faithful to Islam. The failure of the husband to pronounce *talaq* [allow a religious separation] leaves the woman in limbo, and it has been suggested that the growing importance of Shari'a Councils in the UK has been in part a response to demands by

women for a religiously recognised divorce. A similar situation has existed for Jewish women concerning the *get*, the divorce document which must be ceremonially presented by the husband to his wife. And the position of a devout Catholic whose marriage can only be annulled by the Church according to stringent rules is in some respects also comparable.

A perennial problem in divorces, Muslim or otherwise, is the financial settlement. One matter which has caused particular concern in the UK (as indeed in the Muslim world generally) is what to do about *mahr* [dower or marriage payment] in the event of a divorce. Although there are differences between various Islamic schools of law, it seems generally agreed that if the husband unilaterally divorces his wife by pronouncing *talaq*, the wife may keep or demand payment of the *mahr*. If the wife takes the initiative and obtains a *khul'a* divorce through a Shari'a council, against the initial wishes of her husband, then, and this is controversial, the *mahr* should be returned or foregone, as a sort of compensation for his eventually agreeing to pronounce *talaq*. At any rate, this generally is the position taken by UK Shari'a councils.

The matter has come up in Parliament on several occasions, and the issue of *mahr* has also come before the courts in a number of cases in Europe and in North America usually where wives who have obtained a *khul'a* divorce have declined to return the *mahr* or sought to claim it, and judges have been required to come to a view about what sort of agreement *mahr* entails, and what to do about it. A Canadian lawyer, Pascale Fournier, has written extensively on what happens in divorce settlements involving *mahr* come in Canadian, French, German and US courts. She shows (2010) that although in legal terms the four jurisdictions may be different, there are similarities in the way they handle *mahr* claims. Underlying judicial decisions, and cutting across the jurisdictions, are three ideological approaches:

1) A Liberal-Legal Pluralist, multiculturalist approach, which recognizes the Islamic principles behind *mahr*, and takes them into account in financial settlements.

2) A Liberal-Formal Equality approach which sets aside the religious aspects of a Muslim marriage and treats *mahr* as a financial agreement, valid or not according to the neutral principles of contract law.

3) A Liberal-Substantive Equality approach concerned with what *mahr* says and does about equality and fairness, especially as regards women and gender rights.

These different approaches are particularly im-

portant in *khul'a* divorces when what is at stake is the *mahr*, and whether or not it should be returned in accordance with Islamic principles, and wives argue that it is theirs by right whoever instituted divorce proceedings. Although Fournier does not refer to the UK, what she says rings true of Britain. Certainly elements of all three approaches can be identified in judicial and other statements. Concerning *mahr*, however, there are too few cases to identify the prevailing opinion, though one case (*Uddin vs Choudhury* ([2009] EWCA Civ 1205)) has attracted a good deal of attention and commentary and has considerable interest from the point of view of *khul'a* type divorces and the return of *mahr*.

This is a complicated husband and wife divorce settlement, which came before a higher court as an appeal by the husband's father (who represented himself) against a judgment by a lower (county) court that gifts made to the bride need not be returned and that the agreed *mahr* should indeed be retained by the bride. The matter had previously gone to an Islamic Shari'a council which decided that a *khul'a* divorce could be granted and the *mahr* forgone by the wife. Reasons for the failure of the marriage (including whether it was consummated), were disputed, and there are many aspects which are unclear, but, as the judge put it, «the case that came to court after the dissolution was all about money and property». The claimant (i.e. the husband's father) went to court to retrieve property (mainly jewellery) to the value of £25,000 which he said had been taken from his house. The bride and her family, however, said that the marriage contract indicated a *mahr* of £15,000, which had not been paid. The lower court accepted the expert advice of a Muslim barrister that some of the assets involved were outright gifts (and hence, he argued, not returnable under Islamic law). Concerning the *mahr*, the lower court judge ruled that the marriage agreement was a valid contract, and this was upheld by the higher court judge.

There are several contentious matters in this judgement, including whether or not the court should have paid any attention to Shari'a. Be that as it may, what the court did was to treat the marriage agreement quite simply as a contract. It accepted that there was a valid agreement concerning the *mahr* and that it should be enforced, i.e. the *mahr* need not be returned. There is precedent for this in a case from 1965 (*Shahnaz vs Rizwan* ([1965] 1.QB 390)). It is also in line with cases in Canada and the USA, where a legal authority commented on one judgement that it provided «a good example of what has long struck me as the right way of dealing with this problem: If possible, treat the agreements as normal agreements, without regard to their Isla-

mic character, and then enforce them – or not – as normal agreements».<sup>11</sup>

In the Islamic Shari'a Council's view, of course, the wife had sought an end to the marriage and a *khul'a* divorce was agreed. And in the Council's interpretation, this meant the wife had no claim on the *mahr*. The judge, however, does not appear to have seen any text of the Shari'a Council's decision or had its significance fully explained. If he had done so, would his ruling have been the same, i.e. would he have agreed that the *mahr* should be returned in accordance with the principles of *khul'a*? We do not know. But even if the judge had recognised and accepted the Shari'a Council's logic, he might have rejected it on grounds of family law and public policy. So, as the anthropologist Roger Ballard (personal communication), has observed of this case: «the learned Judge has introduced a new precedent into English Law: namely that Muslim brides are entitled to retain their *mahr* and/or their dowries, regardless of the circumstances in which the marriage breaks down». Another anthropologist, John Bowen (2010: 428), has further suggested that by not taking into account «the likely understandings the parties would have had of their agreement concerning *mahr* within one or another construction of Islamic law», the judges misrecognised the Shari'a Council's logic, and «severed the link between the form of an Islamic divorce and the *mahr* obligations». As Pascale Fournier (2010) puts it, the complex and changing meaning of *mahr* in its original contexts becomes *Lost in Transplantation*.

### 5. Conclusion

It is widely accepted that integration programmes should tackle exclusion through negative discrimination. They need also address the problem of “freedom to”. This inevitably raises the question how far societies should go to accommodate the plurality which is an inescapable characteristic of contemporary societies. One response is simply to say “No!” Migrants should be obliged to conform with existing norms and values. «The expectation of integration is not unjust», says Kymlicka (1995: 96), «in deciding to uproot themselves, immigrants voluntarily relinquish some of the rights that go along with their original national membership». Regarding the law, for example, it is frequently argued that societal cohesion and equality can only be guaranteed through a system which is the same for all without cultural or religious distinction; the principal of “equality before the law” demands this.

Concerning people who come temporarily to a country such as Britain, Kymlicka may have a

point, though whether they could or should be refused rights accorded by international conventions is debatable – and indeed in practice few countries operate with a total prohibition of otherness. But does the argument apply to long term settlers or migrants who have naturalised? And surely it is irrelevant when those concerned are born and brought up in the country to which their parents or grandparents migrated?

The alternative is to take “cultural liberty” into account and allow room for “freedom to” exercise “other” values, and practices; that is adopting a strategy open to cultural *inclusion*, as opposed to one which tends towards cultural *exclusion*. An outstanding example of the exclusion strategy is the move across many countries in 2010-11 towards banning the *burqa* or *niqab*, narrowing the law to make it more exclusive, as opposed to broadening or interpreting it in such a way as to make it more inclusive, for example, to allow Mr. Ghai to have his open-air cremation.

Although most anthropologists instinctively tend to favour the inclusive strategy, it is not unproblematic. First, and once again, quite simply, how far can one, should one, go? The governance of multicultural societies entails judgment about what kind of difference, and how much, to recognise, formally and informally, in private and public. Multiculturalism as a form of governance entails much, pragmatic, negotiation of boundaries. Knowing where to draw the line, or accept the line being drawn, is often very difficult, but some practices, for example, forced marriage<sup>12</sup>, will be acknowledged to contravene the basic values of liberal democratic societies, with a strong belief in human rights. No “cultural defence”, as it is called, is possible. The great majority among minority populations in fact accept this, while feeling defensive about the practice, and fearing demonisation.

Secondly, whose culture and cultural rights are being included/excluded, and with what consequences? The UNDP Report strongly defends cultural liberty and rights but subordinates them to other universal rights: «From a human development perspective», it argues (2004: 58), «all legal systems – whether unitary or plural – must conform to international standards of human rights, including gender equality», and adds: «universal values of human rights and individual freedoms must not be sacrificed to claims of tradition or customary law» (*ibidem*: 81). Inclusion and exclusion both entail winners and losers. The suppression of one parties' cultural rights (e.g. men's) may lead to the enhancement of another's (e.g. women's), a point widely made by proponents of a *burqa* ban. Enhancing someone's “freedom from” may entail

restricting someone else's "freedom to".

This paper cannot resolve this conundrum, but can only underline the difficulties entailed in reconciling cultural exclusion and the law, difficulties which pose challenges of a legal, ethical, ethnographic, theological and philosophical character for all anthropologists.

## Notes

<sup>1</sup> A version of this paper was presented as a keynote address to the XIII Congresso Nazionale of the Associazione Italiana per le Scienze Etnoantropologiche (AISEA), Rome, April 2011, whose theme was "Discriminazioni: modelli culturali, retoriche pubbliche e pratiche sociali". I thank the organisers for their hospitality and members of the audience for their instructive comments.

<sup>2</sup> See Grillo et al. (eds.) 2009 for reviews of the literature.

<sup>3</sup> I use "migrants" or "immigrants" as shorthand for this phrase.

<sup>4</sup> The paper arises from a wider research project on «Muslims, Islam and the Law: A Legal Industry» (MILLI).

<sup>5</sup> Ghai *vs* Newcastle City Council [2009] EWHC 978 (Admin) (08 May 2009). Decision of Mr. Justice Cranston. <http://www.bailii.org/ew/cases/EWHC/Admin/2009/978.html> [Accessed 19 May 2009].

<sup>6</sup> Volume 159, Issue 7369,14 May 2009, [http://www.lawreports.co.uk/WLRD/2009/QBD/ghai\\_v\\_newcastlecc.htm](http://www.lawreports.co.uk/WLRD/2009/QBD/ghai_v_newcastlecc.htm) [Accessed 26 November 2009].

<sup>7</sup> «Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance».

<sup>8</sup> See reports on the website of the Anglo-Asian Friendship Society: <http://www.anglo-asian.moonfruit.com> [Accessed 24 November 2009].

<sup>9</sup> «Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or the protection of the rights and freedoms of others».

<sup>10</sup> In Ghai, R. (on the application of) *vs* Newcastle City Council & Ors [2010] EWCA Civ 59 (10 February 2010). Text available at <http://www.bailii.org/ew/cases/EWCA/Civ/2010/59.html> [Accessed 17 February 2010].

<sup>11</sup> Eugene Volokh, <http://volokh.com/2010/02/25/islamic-agreements-in-civil-courts-2/> [Accessed 26 January 2011].

<sup>12</sup> Contrary to what is widely believed forced marriage is NOT an Islamic practice.

## References

Berlin I.  
2002 *Liberty*, Oxford University Press, Oxford.

Bowen J. R.  
2010 "How Could English Courts Recognize Shariah?", in *University of St. Thomas Law Journal*, 7(3): 411-435.

Bun K. H.  
2006 "Body, Dress and Cultural Exclusion: Experiences of Pakistani Women in 'Global' Hong Kong", in *Asian Ethnicity*, 7(3): 285-302.

Croucher S.  
2006 "Ambivalent Attachments: The Hegemonic Politics of American Nationhood", in *New Political Science*, 28(2): 181-200.

Eco U.  
1976 *A Theory of Semiotics*, Indiana University Press, Bloomington/London.

Fournier P.  
2010 *Muslim Marriage in Western Courts: Lost in Transplantation*, Ashgate, Farnham

Gardner K.  
2002 *Age, Narrative and Migration: The Life Course and Life Histories amongst Bengali Elders in London*, Berg, Oxford.

Gramsci A.  
1978 *Selections from the Prison Notebooks of Antonio Gramsci. Edited and Translated by Quentin Hoare and Geoffrey Nowell-Smith*, Lawrence and Wishart, London.

Grillo R., et al. (eds.)  
2009 *Legal Practice and Cultural Diversity*, Ashgate, Farnham.

2010 *Contesting Diversity in Europe: Alternative Regimes and Moral Orders*, MMG Working Paper 10-02, Max Planck Institute for the Study of Religious and Ethnic Diversity, Göttingen.

Gumperz J. J.  
1982 *Discourse Strategies*, Cambridge University Press, Cambridge.

Hirschl R.  
2008 "The Judicialization of Mega-Politics and the Rise of Political Courts", in *Annual Review of Political Science*, 11: 93-118.

Hoch C.  
1993 "Racism and Planning", in *American Planning Association*, 59(4): 451-460.

Kymlicka W.  
1995 *Multicultural Citizenship: A Theory of Liberal Rights*, Clarendon Press, Oxford.

Leontidou L., H. Donnan, A. Afouxenidis  
2005 "Exclusion and Difference along the EU Border: Social and Cultural Markers, Spatialities and Mappings", in *International Journal of Urban and Regional Research*, 29(2): 389-407.

Marshall T. H.  
1964 *Class, Citizenship, and Social Development*, Doubleday and Co., Garden City, New York.

Michie E. B.  
1993 *Outside the Pale: Cultural Exclusion, Gender Difference, and the Victorian Woman Writer*, Cornell University Press, Ithaca.

Pearl D., W. Menski  
1998 *Muslim Family Law*, (3<sup>rd</sup> Edition), Sweet & Maxwell, London.

UNDP  
2004 *Human Development Report 2004: Cultural Liberty in Today's Diverse World*, United Nations Development Programme, New York.

van Hensbroek P. B.  
2010 "Cultural Citizenship as a Normative Notion for Activist Practices", in *Citizenship Studies*, 14(3): 317-330.

# Abstracts

TZVETAN TODOROV  
CNRS, Paris

*Le scienze umane e sociali. Uno sguardo retrospettivo*

L'autore ripercorre il proprio rapporto con le scienze umane e sociali durante un cinquantennio (1960-2010). Richiamando il lavoro di Claude Lévi-Strauss e il suo modello teorico che assimila le scienze umane alle scienze esatte, eliminando ogni traccia di soggettività, l'articolo pone a confronto il contributo di Germaine Tillion che, negli stessi anni, affermava l'impossibilità di eliminare l'esperienza personale dello studioso dai risultati del proprio lavoro. Un approccio pluralista alle discipline umanistiche è la raccomandazione che l'Autore ci consegna nelle conclusioni.

Parole chiave: Oggettività; Soggettività; Conoscenza letteraria; Scienze Umane/Scienze naturali; Pluralismo metodologico

*Human and Social Sciences. A retrospection*

The author describes his contacts with the social and human sciences during the last 50 years (1960-2010). His first major encounter is with the work of Claude Lévi-Strauss, who recommended the assimilation of the humanities to the exact sciences and the elimination of all traces of subjectivity. This attitude is compared with the contribution of Germaine Tillion who defends the impossibility to eliminate the personal experience of the scholar from the results of his work. In conclusion, the author recommends a pluralistic approach to the humanities and the social sciences.

Key words: Objectivity; Subjectivity; Literary knowledge; Human and Natural Sciences; Methodological Pluralism

ULF HANNERZ  
Stockholm University  
Department of Social Anthropology  
[ulf.hannerz@socant.su.se](mailto:ulf.hannerz@socant.su.se)

*Operation Outreach: Anthropology and the Public in a World of Information Crowding*

Fairly recently there was a story in newsmedia in Sweden about some young *nouveaux riches* who displayed their wealth by ostentatiously pouring out champagne in the sink. At about the same time, another item described a public occasion where a feminist politician, well-known since her past as leader of the country's main postcommunist party, had set fire to 100000 kronor (some 10000 euro) in bills, to make some point dramatically. This drew widespread comment, although it may be that while few could remember exactly what the point was, the suspicion was confirmed that this was not a person to be trusted with public funds.

Anyway, both the champagne pouring and the money on fire undoubtedly drew some added attention in the media because they occurred during the summer, when good stories tend to be hard to come by. One journalist contacted me after he had heard from someone that there were North American Indians who also had public rituals of destruction, something called "potlatch". And so he asked if I would care to offer an anthropological perspective on their new occurrence in Sweden. I suggested that if he wanted to know more about potlatch he could take a look at the Wikipedia article, but apart from that I declined the invitation to comment on the Swedish politician going Kwakiutl.

If we wonder about the part of anthropology in contemporary public life and public knowledge, we may find that it is sometimes, in fact rather frequently, like that. People who have no close acquaintance with the discipline expect the anthropologists to be in control of exotic tidbits from around the world, and thus able to offer possibly entertaining, although otherwise probably rather useless, parallels, comparisons, or overviews. Perhaps some of us will then indeed try to search the global ethnographic inventory for something to say, out of a sense of public duty or seduced by the possibility of fifteen seconds of fame. Again, in this instance, I was not tempted.

Key words: Branding; Commentary; Journalism; Politics; Multilingualism



*Eccessi di azione: il ruolo pubblico dell'antropologia in un mondo sommerso dalle notizie*

Di recente è circolata nei media svedesi la storia di alcuni giovani arricchiti che fanno mostra della loro ricchezza gettando champagne nel lavandino. Più o meno nello stesso periodo un'altra voce descriveva un'occasione pubblica durante la quale una femminista, nota per il suo passato come leader del principale partito postcomunista della nazione, aveva dato fuoco a 100.000 corone (circa 10.000 euro) in contanti, per rendere spettacolari alcuni punti del suo discorso. Ciò ha prodotto una vasta eco, sebbene alla fine abbia trovato comunque conferma il sospetto che non si trattasse di una persona affidabile per la gestione di fondi pubblici.

In ogni caso, sia lo spreco di champagne sia il denaro bruciato, senza dubbio ottennero una particolare attenzione da parte dei media perché entrambi i fatti capitano in estate, quando le buone storie da raccontare scarseggiano. Un giornalista mi contattò dopo che aveva sentito da qualcuno che c'erano degli Indiani nordamericani che praticavano anch'essi dei rituali pubblici di distruzione, qualcosa chiamato "potlach". E quindi mi chiese se mi interessasse fornire una prospettiva antropologica sulla nuova comparsa di questi rituali in Svezia. Suggesti che avrebbe potuto sapere qualcosa in più sul potlach, nel caso avesse questo desiderio, dando una semplice occhiata all'articolo di Wikipedia, e a parte questo declinai l'invito a commentare i politici svedesi mutanti Kwakiutl.

Se ci interrogassimo sul ruolo dell'antropologia nella vita pubblica contemporanea, potremmo scoprire che consiste a volte, di fatto direi piuttosto frequentemente, in qualcosa del genere. Gente che non ha familiarità con la disciplina si aspetta che gli antropologi padroneggino "bocconcini" esotici un po' di tutto il mondo, e per questo siano in grado di offrire una possibilità di intrattenimento, probabilmente non molto utile, magari qualche parallelismo, qualche confronto, o una visione d'insieme. Forse alcuni di noi tenteranno allora di esplorare l'inventario etnografico globale per avere qualcosa da dire, in risposta a un senso del dovere pubblico o sedotti dalla possibilità di quindici secondi di gloria. Per quanto mi riguarda, almeno in quel caso, non mi venne la tentazione.

Parole chiave: marchio; commento; giornalismo; politica; multilinguismo

HELENA WULF  
Stockholm University  
Department of Social Anthropology  
helena.wulff@socant.su.se

*Cultural Journalism and Anthropology: A Tale of two Translations*

*Already Evans-Pritchard identified anthropology in terms of cultural translation, a notion which has been influential in the discipline, as well as debated. The debate has generated insights into issues of interpretation, understanding and authenticity. When I study the transnational dance world, or the world of contemporary Irish writers, I translate these settings with their concerns into academic conceptualizations. This is what I was trained to do. But during my fieldwork in the dance world, one dancer after another kept asking me "So you're a writer – why don't you write about us in the paper?" The people I was studying seemed to suggest that I should make myself useful by writing about them in the newspaper, and also, they told me, in dance magazines, international and Swedish ones. In order to give something back to the people that had allowed me access to the closed world of ballet, I thus set out on my first piece of cultural journalism for Svenska Dagbladet, a Swedish daily. This entailed a different type of translation. Now I had to make my anthropological findings not only accessible but also attractive to a wider readership familiar with the arts, but not necessarily with anthropology. The purpose of this article is to explore the process of writing cultural journalism drawing on anthropological research.*

*Keywords: Cultural journalism; Cultural translation; Creative writing; Travel; Transnational*

*Antropologia e giornalismo culturale. Storia di due traduzioni*

Già Evans-Pritchard intese l'antropologia in termini di traduzione culturale, una nozione che ha esercitato molta influenza sulla disciplina e anche molto discussa. Il dibattito ha prodotto una particolare sensibilità per i temi dell'interpretazione, della comprensione e dell'autenticità. Nello studiare il mondo transnazionale della danza, o quello degli scrittori irlandesi contemporanei, traduco questi ambiti e le loro problematiche nei termini delle concettualizzazioni accademiche. È ciò che la mia formazione mi spinge a fare. Tuttavia, nel corso del mio lavoro di campo sul mondo della danza, molti iniziarono a chiedermi "dunque sei una scrittrice – perché allora non scrivi un bell'articolo su di noi?" Le persone che studiavo sembravano suggerirmi che avrei potuto rendermi utile scrivendo di loro sul giornale e anche, mi dissero, su riviste specializzate, internazionali e svedesi. Allora, per ricambiare le persone che mi avevano permesso di

entrare nel mondo chiuso del balletto, mi accinsi a scrivere il mio primo pezzo di “giornalismo culturale” per la *Svenska Dagbladet*, un quotidiano svedese. Questo mi impegnò in un tipo diverso di traduzione. Avevo il compito di rendere le mie scoperte antropologiche non solo accessibili ma anche attraenti per un più ampio pubblico di lettori dotato di una certa familiarità con l’arte, ma non necessariamente con l’antropologia. In questo articolo esamino il processo che a partire da una ricerca antropologica porta a fare del “giornalismo culturale”.

Parole chiave: Giornalismo culturale; Traduzione culturale; Scrittura creativa; Viaggio; Transnazionale

RALPH GRILLO  
Dept of Anthropology  
School of Global Studies  
University of Sussex  
Brighton, BN1 9SJ, UK  
[r.d.grillo@sussex.ac.uk](mailto:r.d.grillo@sussex.ac.uk)

*Cultural Exclusion: Migrant Minorities and the Law in the UK*

*Study of the discrimination which affects migrants and their descendants in contemporary Europe has focused principally on social and economic exclusion and its consequences for integration. The concept of ‘cultural exclusion’, which refers to the way in which institutions and their personnel may fail to take into account the religion and ‘culture’ (in the anthropological sense) of migrants and their descendants when resources and rights are accessed and allocated, broadens the notion of social exclusion in a manner that speaks directly to the work of anthropologists. Building on the UNDP’s concept of ‘cultural liberty’, the paper explores immigrant and ethnic minority cultural and religious exclusion specifically in the context of encounters with the law and legal processes in the UK, and examines how far the law and those operating in its shadow could or should make room for, ‘other’ values, meanings and practices.*

*Key words: Cultural exclusion; Ethnic minorities; Religion; Law; UK*

*L’esclusione culturale: minoranze migratorie e Diritto nel Regno Unito*

Lo studio della discriminazione che colpisce i migranti e i loro discendenti nell’Europa contemporanea si è concentrato soprattutto sull’esclusione economica e sociale e sulle sue conseguenze per l’integrazione. Il concetto di ‘esclusione culturale’, che si riferisce al modo in cui le istituzioni, e il loro personale, nel garantire accesso e nell’allocare risorse e diritti, possono non tenere in conto la religione e la ‘cultura’ (in senso antropologico) dei migranti e dei loro discendenti, allarga la nozione di esclusione sociale in una maniera che si rivolge direttamente al lavoro degli antropologi. Basandosi sul concetto di ‘libertà culturale’ adottato dall’UNDP, lo scritto esplora l’esclusione culturale e religiosa delle minoranze etniche costituite dagli immigrati nel contesto specifico dei rapporti con la legge e i procedimenti legali nel Regno Unito, ed esamina fino a che punto la legge e i funzionari pubblici incaricati di applicarla potrebbero o dovrebbero lasciar spazio a valori, significati e pratiche ‘altre’.

Parole chiave: esclusione culturale, minoranze etniche, religione, diritto, UK.

VALENTINA RAMETTA  
Università di Palermo  
valentinarametta@yahoo.it

*Il desiderio del selvatico. La Wilderness come categoria antropologica dell'immaginario*

Nel quadro della riflessione contemporanea sul paesaggio il concetto di *Wilderness* si configura come categoria antropologica originaria, come paradigma primario di pensiero che interseca gli strati biologici e culturali nella percezione e nella rappresentazione del rapporto uomo/ambiente. Il moderno interesse per il selvatico che trasversalmente coinvolge le nuove istanze dell'ecologia umana, dell'etnoecologia, dell'ecocritica, della letteratura e dell'arte, mette in discussione le dialettiche consolidate del modello culturale antropocentrico, esplorando il legame con l'alterità dell'elemento naturale nella costruzione della strategie di sopravvivenza ambientale, delle competenze ecologiche e della definizione sociale.

Parole chiave: *Wilderness*; Antropologia del paesaggio; Scrittura della natura; Ecologia umana; Anarchismo verde.

*The Desire for the Wild. Wilderness as an Anthropological Category of Imagination*

*In the context of contemporary reflection on the landscape, the Wilderness concept takes the form of original anthropological category, as the primary paradigm of thought that crosses cultural and biological layers in the perception and representation of the relationship between man and environment. The modern interest for the wild what involve crosswise new instances of human ecology, etnoecology, ecocriticism, literature and art, to rise a questions the consolidated dilectic of anthropocentric cultural model, exploring the connection with the otherness of the natural element in the construction of environmental survival strategies, ecological competences and social definition.*

Key words: *Wilderness*; *Landscapes Anthropology*; *Nature writing*; *Human Ecology*; *Green Anarchy*.

PAOLO FAVERO  
Centre for Research in Anthropology (CRIA), Lisbon  
University Institute  
Director of Post-Graduation Program in Digital Visual  
Culture  
paolofavero@gmail.com

*Blessed be the Good Soldier: Cinema, Media and the Manufacturing of Nationhood in Post 9/11 Italy*

*This article addresses the contemporary wave of nationalism in Italy looking upon one of its pivotal figures, i.e. the soldier. Focussing primarily on post-war cinema and contemporary media reports regarding Italian soldiers in foreign missions of war (but offering also glimpses on schoolbooks from the fascist era) the article will offer an exploration of the continuities and discontinuities in the representation of the Italian soldier across history in Italian popular culture suggesting how, in line with the self-representation of the Good Italian, the soldier has always been presented as a good human being, one inevitably detached from historical responsibilities.*

Key words: *Cinema*; *Representation*; *Nationalism*; *Soldiers*; *Contemporary Italy*.

*"I nostri (bravi) ragazzi". Cinema, media e costruzione del senso di appartenenza nazionale nell'Italia del 'dopo 11 settembre'.*

Questo articolo analizza la rappresentazione del soldato nella cultura popolare italiana. Mettendone a fuoco la centralità nella costruzione contemporanea del senso di appartenenza nazionale, l'articolo evidenzia continuità e discontinuità nella rappresentazione del soldato in contesti diversi, con particolare attenzione al cinema del Dopoguerra e ai dibattiti mediatici a proposito del coinvolgimento italiano nelle missioni di "pace" all'estero. Attraverso l'analisi di alcuni passi tratti da libri scolastici dell'epoca fascista, l'articolo suggerisce inoltre come la cultura popolare italiana sia stata capace di tenere in vita un'immagine coerente del soldato italiano, rappresentandolo principalmente come un "soldato buono". Nonostante sia generalmente dipinto come un individuo mosso da amore e altruismo, talvolta gli si riconoscono tratti di egoismo, opportunismo e pigrizia. L'insieme di tutte queste caratteristiche, per quanto apparentemente incoerenti tra di loro, ottiene l'effetto di attenuare ogni forma di responsabilità storica.

Parole chiave: *Cinema*; *Rappresentazione*; *Nazionalismo*; *Soldati*; *Italia contemporanea*.

STEFANO DEGLI UBERTI  
 Università di Bergamo  
 stefano\_du79@yahoo.it

*Turismo e immaginari migratori. Esperienze dell'Altrove nel Senegal urbano*

Le rappresentazioni dell'Altrove sono un'angolazione peculiare per capire le aspirazioni al viaggiare di molti africani; questo fattore assume un ruolo centrale nelle esperienze individuali e collettive, diventando un elemento significativo che apre spazi di definizione del sé. Finora, un interesse minore è stato rivolto verso le varie forme e gli ambiti, non solo geografici, in cui l'Altrove è rappresentato, assunto di solito come l'espressione di un universalismo occidentale, nutrito da immagini e modelli culturalmente globalizzati. Al contrario, questo contributo sottolinea come l'idea di Altrove si costruisce storicamente in un contesto locale, facendo luce su come alcuni aspetti culturali locali producono uno specifico senso di spazialità, favorendo la formazione della frontiera tra 'qui' e 'là'. Volgendo lo sguardo alle aree urbane di *M'bour-Saly*, si osserva il ruolo svolto dai processi turistici e in quale misura essi diano significato alle immagini, alle narrazioni e alle pratiche attraverso cui gli individui esprimono il loro 'desiderio dell'Altrove'. Si problematizza l'idea *naïf* di un'Europa collettivamente percepita come uno stereotipato ed omogeneo El Dorado: la sua percezione sembra piuttosto legata alle esperienze soggettive e locali dei singoli.

Parole chiave: Senegal; Turismo; Migrazione; Altrove; Immaginario.

*Tourism and Migratory imaginaries. Experiences of Elsewhere in Urban Senegal*

*Representations of the 'Elsewhere' is as peculiar field to understand the aspirations to travel of many African people; this factor assumes a pivotal role in individual and collective experiences, becoming a meaningful device that opens up spaces of self-definition. So far, a minor interest is devoted to styles and arenas where the Elsewhere is represented, often assumed as the expression of culturally globalised images and models of a Western universalism. Conversely, this contribute underlines how the 'idea of Elsewhere' is constructed historically within a local context, shedding light on how some cultural local aspects produce a specific sense of spatiality, fostering the formation of the frontier between 'here' and 'there'. Looking at the urban areas of M'bour-Saly, I show the role played by the touristic processes and to what extent they give meaning to images, narrations and practices through which people express their 'desire of Elsewhere'. The work aims to problematise the naïf idea of Europe, collectively perceived as a stereotypical and homogeneous El Dorado: its perception seems rather to be linked to the subjective local experiences of individuals.*

Key words: Senegal; Tourism; Migration; Elsewhere; Imaginary

TOMMASO INDIA  
 Palermo, Fondazione Buttitta  
[tommaso.india83@gmail.com](mailto:tommaso.india83@gmail.com)

*La cura dell'uchimvi. Nota sulla medicina tradizionale tra i Wabebe della Tanzania*

In questo articolo collego i concetti dell'eziologia e della cura delle malattie tra i Wabehe, una popolazione della Tanzania centro-meridionale, alla loro cosmologia. In questo sistema medico tradizionale, il ruolo di terapeuta è svolto dai *waganga wa kienyeji* (letteralmente: "dottori del villaggio"). Dopo aver analizzato il rito di cura dell'*uchimvi* (lett. "malocchio"), nell'ultima parte descrivo come, negli ultimi anni, i sintomi dell'HIV/AIDS siano stati assimilati e trattati dai *waganga* come casi di *uchimvi*. Essi, con il rito di cura del *uchimvi*, aiutano i loro pazienti ad averne una prima conoscenza e, infine, a 'com-prendere' l'HIV/AIDS.

Parole chiave: Wabehe; Antropologia medica; Rituali terapeutici; Curatori tradizionali; HIV/AIDS e medicina tradizionale

*The cure of uchimvi. A note on traditional medical system among Wabebe (Tanzania)*

*In this article I link concepts of health disorder's etiology and therapy among the Wabebe's, a people living in the south and central part of Tanzania, to their cosmology. In their traditional medical system, people affected by health disorder's are treated by the waganga wa kienyeji, "the village doctors". After focusing on the rite of treatment of uchimvi ("evil eye"), in the last pages I describe the way HIV/AIDS is conceived and treated by the waganga as occurrences of uchimvi. By this way of interpreting this disease, waganga so help their patients to have a former knowledge of it and, finally, to 'understand' the HIV/AIDS.*

Key words: Wabebe; Medical anthropology; Therapeutic rituals; Traditional curers; HIV/AIDS and traditional medical systems.

ALESSANDRO MANCUSO  
 Università di Palermo  
 Dipartimento di Beni Culturali, Storico-Archeologici,  
 Socio-Antropologici e Geografici  
[mancusoale@yahoo.it](mailto:mancusoale@yahoo.it)

ANTONINO BUTTITTA  
 Università degli Studi di Palermo  
[info@fondazionebuttitta.it](mailto:info@fondazionebuttitta.it)

*Concezioni dei luoghi e figure dell'alterità: il mare tra i Wayuu. Seconda parte.*

Tra i Wayuu, una popolazione indigena sudamericana che ha adottato l'allevamento di bestiame nel secolo XVII, il mare ha valenze simboliche differenti, che oscillano tra due poli opposti. Nel primo, esso è rappresentato come un luogo destinato a restare sotto il dominio del 'mondo altro', associato con la morte e le malattie; nel secondo esso diventa un luogo addomesticabile e appropriabile. In questa seconda parte, esamino dapprima i modi in cui il mare compare nei miti cosmogonici, e del suo rapporto con l'immagine dei Bianchi; successivamente analizzo il legame tra la credenza secondo cui gli animali marini sono gli animali domestici di Pulowi, la signora del 'mondo altro', e quella che il bestiame abbia un'origine marina.

Parole chiave: Wayuu; indigeni sudamericani; dicotomia selvaggio/domestico; alterità; sistemi di classificazione.

*Images of places and figures of Alterity: the sea among the Wayuu. Second part.*

*Among the Wayuu, a South-American indigenous people which adopted cattle-rearing since the XVII<sup>th</sup> Century, the sea can assume different symbolic values, which sway between two opposite polarities. According to the first one, it is a place which will always be under the mastery of the 'otherworld', linked with death and sickness; according to the second one, it can become a place to be domesticated and appropriated. In the second part of this paper, I first describe the ways the sea appears in the cosmogonical myths and its relationship with the image of the Whitemen; afterwards, I study the link between the belief that sea animals are the cattle of Pulowi, the Master of the 'Otherworld', and the belief that cattle come from the sea.*

Key words: Wayuu; South American Indians; wild/domesticated dichotomy; alterity; systems of classification.

*Don Chisciotte innamorato*

Il significato dell'opera di Cervantes non è ancora stato inteso nella sua pienezza. Non è la vicenda di un cavaliere ideale, come ha letto la critica romantica, neppure il rifiuto del mondo della cavalleria né una sua parodia. Il suo senso ultimo si sostanzia e si esprime nell'amore per Dulcinea che, sebbene figura centrale della narrazione, nella realtà non esiste. In questo suo non esserci, infatti, si occulta quanto Cervantes ha voluto dirci. Il disagio di Don Chisciotte non consiste nell'impossibilità di vivere come un vero cavaliere, ma nel fatto che la realtà nella quale si riconosce non esiste. Non diversamente da Dulcinea, è un parto della sua fantasia, del suo bisogno di inventarsi un mondo altro rispetto a quello che ha sperimentato e patito.

Parole chiave: Cervantes; Don Chisciotte; Cavaliere; Realtà/Fantasia; Follia

*Don Quixote in love*

*The meaning of Cervantes' work has not been completely assessed in all its complexity. It is neither the story of an ideal knight, as the romantic critics would say, nor the denial of the cavalry world, nor even his parody. Its ultimate meaning is expressed in Don Quixote's love for Dulcinea. Although she is the central character of the narration, she does not exist in reality. The non-existence of Dulcinea points at Cervantes' hidden message. Don Quixote's unease does not consist in the impossibility to live as a real knight, but in the fact that his reality does not exist. Like Dulcinea, his reality is a product of his fantasy, of his need to invent another dimension different from that he has experimented and suffered.*

Key words: Cervantes; Don Quixote; Knight; Reality/Fantasy; madness

GIUSEPPE GIORDANO  
[giusegiordano@teletu.it](mailto:giusegiordano@teletu.it)

### *Stabat Mater* di tradizione orale in Sicilia

I comportamenti musicali svolgono tuttora un ruolo fondamentale entro i contesti celebrativi della Settimana Santa in Sicilia. Suoni strumentali (inni e marce dei complessi bandistici, segnali prodotti con trombe, tamburi, crepitacoli ecc.) e soprattutto canti tradizionali – in siciliano, latino e italiano – marcano le azioni rituali connesse alla rievocazione della passione e morte del Cristo, con stili e modalità esecutive ampiamente variabili. Lo *Stabat Mater* è uno tra i canti che più frequentemente ricorre nei riti pasquali di numerosi centri dell'Isola. A causa della sua nota origine "letteraria", questo testo assume un valore emblematico come attestazione del legame tra ambienti popolari e ambienti colti nella formazione dei repertori musicali cosiddetti paraliturgici. Questo contributo offre una panoramica generale sulla presenza dello *Stabat Mater* nella tradizione etnomusicale siciliana, analizzando alcune esecuzioni del canto e delineando i contesti socio-culturali in cui da secoli se ne tramanda la pratica, spesso a opera di cantori associati a confraternite laicali o ad ambienti parrocchiali.

*Parole chiave:* Stabat Mater; Oralità; Settimana Santa; Paraliturgia; Sicilia

### *Stabat Mater of oral tradition in Sicily*

*Musical behaviours still provide an important role during Holy-Week Sicilian celebrations. Instrumental sounds (hymns and marches of band ensembles, signals performed by trumpets, drums, crepitacols, etc.) and traditional song – in the Sicilian dialect or in Latin and Italian – mark the ritual actions that traditionally evoke the passion and death of Jesus Christ. The Stabat Mater is often sung in Easter rites of several Sicilian villages. For its "literary" origin this text has an emblematic value to show the connection between "high" and folk contexts in the creation of paraliturgic repertoire. This contribution offers a general view of the presence of Stabat Mater in ethnomusical Sicilian tradition, analyzing some of the musical performances, and delineating the socio-cultural contexts in which for several centuries the practice has been transmitted, often by singers associated with laical Confraternities or with parishes.*

*Key words:* Stabat Mater; Oral tradition; Holy-week; Paraliturgy; Sicily