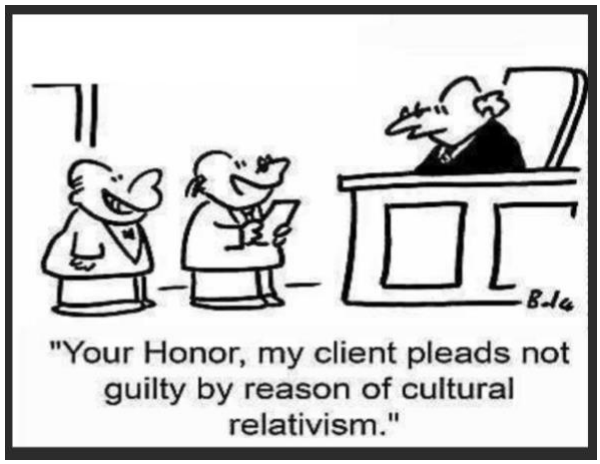
Let's Get Judgy!

Cultural Relativism and the ethics of calling out questionable cultural practices.



Activities and resources for educators and the interested.

Step Up To The World: Tū Māia Ki Te Ao
A Global Citizenship Education Forum.

Auckland University of Technology
September 11 – 13, 2023

This resource was prepared for delegates at the 2023 *Step Up To the World,* Global Citizenship Education Conference who attended the *Let's Get Judgy: Cultural Relativism and the ethics of calling out bad cultural practices* workshop.

The suggestions for capture, discussion and learning outlined here include the activities experienced by workshop participants and provide further ideas from which to springboard the teaching and learning of *cultural relativism*. The methods shared are designed to assist teachers to cater for each student's learning needs, while providing a creative, safe and supportive environment in which students may explore their own, their school's and their communities' values.

This resource is prepared for education purposes only and is **not for sale** either in whole or in part.

Every effort has been made to reference material sourced externally and is not the author's own.

We hope you enjoy working with these activities.

Deb and Claire

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* Getting started

In the workshop, participants introduced themselves by giving their name and one word that starts with the same letter that may describe them culturally (for example: My name is Deborah and I live in a democracy).

Participants were then given a *post-it* note and asked to write one observation of a cultural behaviour or belief that is practiced by another person, which is different to them own. Starter examples including: in NZ cows are slaughtered for meat and hide, however, I understand that cows are sacred in Indian culture; &, I understand Jehovah's Witness followers refuse blood transfusions when they are in an accident, were offered.
Post-it notes were fixed to a board, shared and then used to begin an inquiry . . . .

* Dramas and Dialogues

There are a number of examples of cultural differences that are frequently used when exploring *cultural relativism.* These include the example of Darius, King of ancient Persia – who observed different cultural practices between the Callatians and the Greeks with respect to eating and cremating their dead (respectively).

In the workshop, we presented a short drama based on reports of polar explorer Knud Rasmussen and his time with Eskimo (Inuit) people, and asked participants to work on discussion questions in groups. The activity is outlined below:

> *Imagine that it is 1904 and you are a New Zealand couple who are sitting down to breakfast when the newspaper arrives.*
>
> *Have one member of your group read the article out loud. Imagine how you might react to hearing this news.*

The Dominion

A Friday morning late 1904

Eskimo culture different to our own!

Danish polar explorer and anthropologist Knud Rasmussen has returned from an expedition into north-western Greenland.

Equipped with a thorough mastery of the language, Rasmussen and his four colleagues have wintered among the most northerly tribe in the world, the Polar Inuit. Known as Eskimos, Rasmussen has reported on the customs and rituals of these isolated, nomadic people who lived in small family groups of around 20 people.

Rasmussen reports that he met one woman who had borne 20 children, but had left 10 of them outside to die in the snow at birth. Female babies, Rasmussen states, are especially liable to be abandoned. There is no social stigma attached to this practice, which is permitted simply a the parents' discretion. The elderly, too, when they become too feeble to contribute to the family are left out in the snow to die. And this is not the only unusual practice!

As a sign of hospitality, Rasmussen and other guests were offered the loan of women in the group for the night. The men in the family groups often have more than one wife. Further, within a community, a dominant male may demand and get regular sexual access to other men's wives. For their part, women are free to break these arrangements simply by leaving their husbands and taking up with new partners – free, that is so long as their former husbands choose not to make trouble.

(Adapted from Rachels, J. (1999). *The Elements of Moral Philosophy.* Singapore: McGraw Hill. P. 21)

To the general public, Rasmussen's revelations were disturbing.

Questions for discussion:

1. New Zealanders and Inuit had different beliefs and customs. Is one 'backward' or just different?

2. Does our own code have any special status above another?

3. Can you think of reasons that might underlie Inuit practices at that time?

4. Is there any such thing as a universal truth in ethics?

The Cultural Difference Argument:

Cultural relativists believe there is no **objective** or independent moral standard.
Every moral view is culture bound. That is, there is no universal truth, that is deemed true or right; it's all ***relative*** *to,* (it depends upon/ is **subject** to) the culture you're in.

Put another way: Different cultures have different moral codes

Right and wrong are only matters of opinion, and opinions vary from culture to culture.

Therefore, there is no objective "truth" in morality.

Why there may be less difference than you think:

Four distinct variations within Cultural Relativism have been described by different philosophers.

The Diversity Thesis of Cultural Relativism asserts that ethical rules will differ from one society to another because of the unique historical development of that society.

As time passes and the society develops, beliefs/practices develop on the basis of the shared, unique, ethical historic beliefs. The history of Denmark is different to the history of Korea. Similarly, the history or Māori society is different to the history of British society. Therefore, ethical rules, traditions and customs will differ between different cultures.

This theory recognises that factors such as geographical location will lead to different practices.
This may be between cultures – eg., the Inuit Indian practices vs British, American, Canadian practices at the same time;
or within a group that would be regarded as the same culture – eg., different practices between different settlements of Australian Aboriginals who inhabit a vast and contrasting continent.

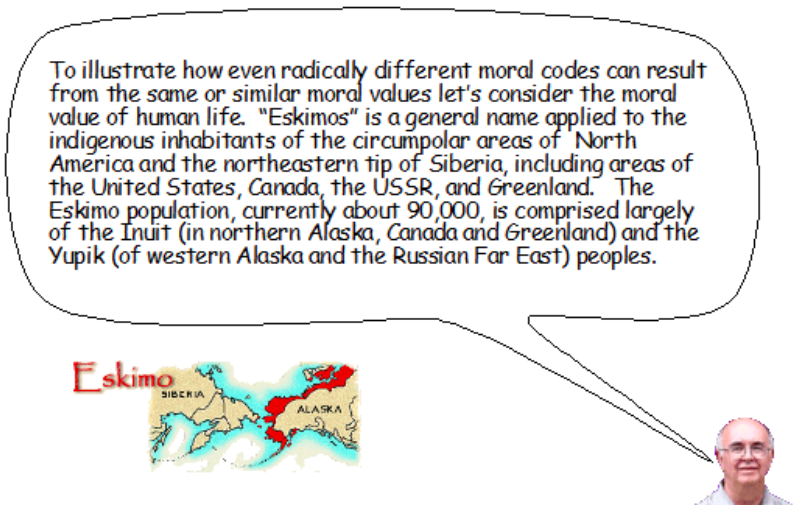
Why there may be less difference than you think continued:

James Rachels on Cultural Relativism and the Inuit

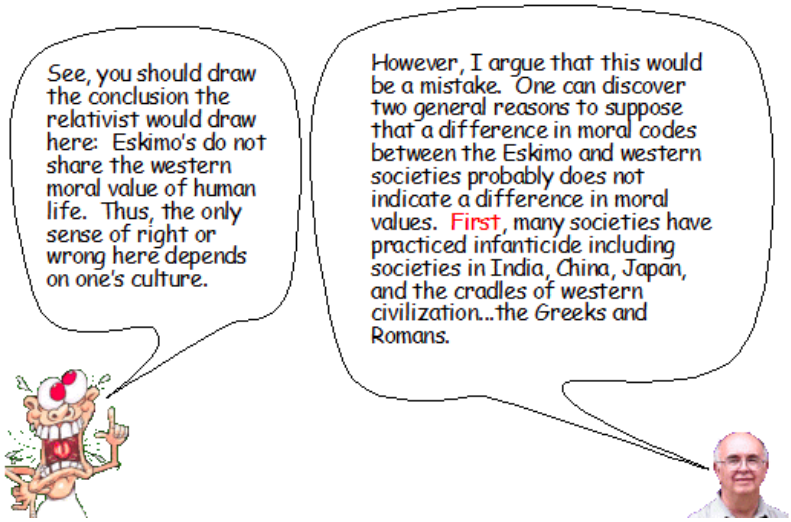
[Adapted from https://home.csulb.edu/~cwallis/160/relativism/relativism.html]

Dr James Rachels (1941 – 2003) was Professor of Philosophy, University of Alabama, Birmingham. With respect to cultural relativism, Rachels argued that the differences in the moral codes of different cultures is largely accidental and not indicative of irreconcilable moral differences or the absence of universal ethical principles.

Rachels argued that socio-historical facts and other influences including religious beliefs generate many of the observed differences in moral codes. Rachels also argued that relativism is inconsistent with our attitudes or intuitions about moral matters.



There was Western contact with the relatively isolated settlements of people previously referred to as Eskimos dating back to the 16th century. However, it was not until the early 1900s that accounts of their customs became widely known. Among the striking differences between Eskimo and western moral codes was the fairly wide spread acceptance (at the time) of infanticide, especially with regard to female babies.



However, I argue that this would be a mistake. One can discover two general reasons to suppose that a difference in moral codes between the Eskimo and western societies probably does not indicate a difference in moral values. First, many societies have practiced infanticide including societies in India, China, Japan, and the cradles of western civilization...the Greeks and Romans.

In fact, infanticide and infant abandonment occurred throughout Europe, despite Christian prohibitions against it. Its frequency increased during the Black Death plague in the 14th century and became a widespread problem in the 18th century, an age of rapid population growth. In the 18th and 19th centuries, servants were not permitted to marry or have children, forcing many servant girls to kill or abandon their infants, who were often fathered by their masters.

The second reason to suppose that a difference in moral codes between the Eskimo and western societies probably does not indicate a difference in moral values is that the Eskimo practice did not emerge solely from the moral value Eskimo's placed on life. Instead, researchers have suggested that it emerged as a response to the harsh conditions and limited resources that shaped Eskimo life at the time.

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Why there may be less difference than you think continued:

Looking at the historical case of the Inuit, it transpires that Inuit values were not all that different from Kiwi, British or American values. It is only that life forced upon the Inuit choices that others did not have to make.

"Life is hard and the margin of safety small"

An Inuit family would always protect its babies if conditions permitted – but they lived in a harsh environment where food was in short supply. Inuit mothers would nurse their infants over a much longer period of time than mothers in English cultures, with infants taking nourishment from its mother's breast for up to four years. Further, the Inuit were a nomadic people – unable to farm they had to move about in search of food. Infants had to be carried, and a mother can carry only one baby in her parka as she travels and goes about her outdoor work. Other family members helped where-ever they could.

Infant girls were more readily left to die because males were the primary food gatherers. Clearly it makes sense to maintain a sufficient number of food providers. In addition, food gathering was a risky business in itself and hunters suffered a high casualty rate – the number of adult male deaths far outnumbered the women who died early.

Thus, within the Eskimo culture described by Rasmussen and other explorers, infanticide did not signal a fundamentally different attitude toward children. Rather, it was a recognition that drastic measures are sometimes needed to ensure the family group's survival. Even then, killing the baby was the last resort. Adoption was common. Killing was only the last resort.

Living in small, nomadic, family groups, the gene pool could become very small. Varying pairings and expanding the gene pool via sharing partners with guests, including when interacting with other Inuit family groups, decreased the likelihood of physical and/or intellectual impairments in offspring.

Reference:

Rachels, J. (1999). *The Elements of Moral Philosophy*, 3rd ed., Singapore: McGraw Hill. P 20-36

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Two further dialogues that are useful for the exploration of cultural relativism come from *The Philosophy Gym*, by Stephen Law.
Law, S (2003). *The Philosophy Gym.* UK. Headline Publishing

Using the dialogues to introduce the topic, Law explains the four variations within Cultural Relativism.

Olaf's condemnation of female circumcision

Olaf: Female circumcision is wrong.

Mrs Barbery: why?

Olaf: It dramatically reduces the possibility of a woman enjoying a full sex life. It has a major impact – a largely negative impact – on her existence. And it is forced on young girls. It's obviously *true* that compelling children to undergo such life-blighting surgery is morally abhorrent.

Mrs Barbery: You speak of what's 'true'. But whose 'truth' are we talking about here? You're judging another culture – that of certain Sudanese people for example – by your own Western standards. What's 'true' for you is actually 'false' for them.

Olaf: You believe there's no objective, independent fact of the matter about whether female circumcision is *really* wrong? That moral 'truth' is always relative to a particular culture?

Mrs Barbery: Exactly. So it's wrong of you to judge.

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Also from Law, S (2003). *The Philosophy Gym.* UK. Headline Publishing

The great Mystica's Defence of Astrology
Law, S (2003). *The Philosophy Gym.* UK. Headline Publishing

The Great Mystica: Do you want an astrological reading?

Fox: Definitely not.

The Great Mystica: You're hostile. I can tell from your aura.

Fox: There are no such things as auras/. Aura reading, astrology, psychic powers, tarot cards – they're all bunk.

The Great Mystica: Why do you say that?

Fox: Because when these things are investigated scientifically, it turns out there's hardly a shred of evidence to support them. In fact, almost all the evidence points the other way.

The Great Mystica: I see the problem. You're apply a particular form reasoning – Western scientific and logical reasoning – to New Age systems of belief. In fact, judged by their own *internal* standards of rationality, astrology and these other belief systems come out looking very sensible indeed!

Fox: But these other ways of thinking are flabby and not rigorous.

The Great Mystica: No they're not. They're just *different*, that's all. We need to throw of the straightjacket of traditional Western thinking and open ourselves up to other modes of thought!

Fox: You believe these alternative ways of thinking are equally valid?

The Great Mystica: Yes, I do. Each produces its *own kind of truth*. From your Western, analytical, scientific perspective, the claim that astrology works if false. But from the perspective of the astrologer, the claim is true. In far , *what's false for you is true for me*. You shouldn't arrogantly assume that your truth is the only truth.

Fox: There's no single 'objective' truth?

The Great Mystica: I see your chakras are finally opening.

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* **Art** is also a great way to begin exploration of cultural differences.

The Opaque watercolour and gold on paper artwork (1772-1775) by an unknown artist, which belongs to the Los Angeles County Museum of Art and is depicted below, is entitled ***The Sati of Ramabai, Wife of Madhavrao Peshwa of Pune***.

Sati or suttee (which is the phonetic translation), was a Hindu funeral custom, where following the death of her husband, a widow would sacrifice herself on the husband's funeral pyre, or immolate herself shortly thereafter. This was either by the wife's own volition as it was strongly encouraged, or via pressure or even force.

Resource Video: https://www.youtube.com/watch?v=U2D17NNgIg0

In this lecture on Cultural Relativism, Professor Peter Singer describes the practice of suttee (sati) at 11:47 and the Indian's visiting General Napier. *"[In banning suttee] You are acting contrary to our custom."* Napier replies, *"Well in my country, when me burn women to death, it is our custom to hang them."*

Different cultures have different ethical views and ***There are ethical norms that vary widely over space and time*** – are descriptive claims. These descriptive claims are observable and are not controversial as such statements do not say whether the observable differences are 'right' or 'wrong'.

The normative ethical claim would be that the right thing to do is what your culture/society says what should be done. If your culture says it is 'right' to have slaves, it is 'right' to have slaves. If your culture says a wife should burn on her dead husband's funeral pyre, it is right that she should be incinerated. (Note, men did not have to practice suttee if their wife died!)

Resource

https://thebensmartblog.com/2017/04/12/burning-widows-a-case-study-against-cultural-relativism/

In this 2017 blog post, Ben Smart moves from describing the practice of suttee/sati to the contemporary situation of child marriages in Yemin to explain a fundamental problem with the theory of Cultural Relativism, via an appeal to Universal Human rights.

Research the minimum age for marriage in the United States.
While the legal age for marriage is 16 in the majority of the states in American, in New Hampshire and Massachusetts it is legal for 14 year olds to marry with parental consent.

What is going on here?

Open discussion/Community of Inquiry.

Western women culturally bound

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Should all religious practices be accepted in a free society? (**Note:** 'accepted' could be altered to 'tolerated' in this question).

Are there limits to what you think should be allowed?

Explain your reasoning.

Resource:

Banning Burkas: Freedom or Discrimination?

In September 2010, the French Parliament passed a bill prohibiting people from concealing their faces in public areas. While this law applied to all citizens and all forms of face covering, it became known as France's "burka bill" because the rhetoric surrounding the bill targeted Muslim women who wore burkas—religious garments covering the face and body—in public.

French lawmakers argued that the law was important for the separation of church and state and for the emancipation of women. Similar to the 2004 bill that outlawed the use of conspicuous religious symbols in public schools, including Muslim headscarves and Christian crosses, this law sought to further remove religious expression and iconography from public spaces in France. Some legislators argued that the burka was a harmful symbol of gender inequality that forced women to assume a subservient status to men in public. According to them, the law freed women from a discriminatory, patriarchal subculture.

However, some in the French Muslim community saw the bill as an infringement of religious freedom and an act of cultural imperialism. . . . .

So starts the Case Study – *Banning Burkas: Freedom or Discrimination?*, by Andrew Carlson, Ph.D., M.F.A. Department of Theatre & Dance College of Fine Arts
The University of Texas at Austin . . . . . .

ETHICS UNWRAPPED CASE STUDY McCOMBS SCHOOL OF BUSINESS™ The University of Texas at Austin

This resource, including discussion questions and websites for further information, is available at: https://ethicsunwrapped.utexas.edu/case-study/banning-burkas-freedom-discrimination

Some would say it is arrogant to judge other people's
so
we should be **tolerant** of other cultures.

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*Tolerance:

In the workshop participants undertook the following activity on tolerance:

Working in groups, place the action cards under one of the three categories. Try to reach a consensus during your discussions.

Distribute pre-made category and action cards.

Categories to place under:

YES NO IT DEPENDS

Options:

Lying

Public spitting

Facebook trolls

Nuclear weapons

Physical punishment

Non democratic countries

Female genital mutilation

Going to church

Refugee immigration

Arranged marriages

Compulsory military training

Male circumcision for religious reasons

Suicide bombers

Gun rights

Turbans

Non-recyclers

Burkas

Eating whale meat

Being vegan

Not educating girls

Burning incense

*As each group finishes issue them with a blank card and ask them to make up an action of their own and categorise it.

Alternatively:

An alternative to this activity would be to use the same list but have students work in groups (and try to reach consensus) to organise the examples in one of the following three/four ways:

Brainstorm examples for each category in your group and discuss. Try to reach consensus on three examples in each category. Write them in the spaces provided.

1. **Something done differently in a country or culture that is not your own** that has little or no ethical importance. It is just an interesting cultural difference that makes the world more interesting.
2. **Something done differently in a country or culture that is not your own** that you disagree with on ethical grounds but can tolerate because your ethical disapproval is balanced by your general respect for cultural differences.
3. **Something done differently in a country or culture that is not your own** that you strongly disagree with on ethical grounds and is worth campaigning against at the international sanctions and diplomatic level.

Optional 4th category:

4. ***Something done differently in a country or culture that is not your own*** *that is so extreme in terms of violating human rights that military intervention or full blown war is required to stop it.*

What issues compelled you to take a stand?

Reference:
The questions above are adapted from https://www.tokresource.org/exorcising-cultural-relativism

A Further Alternative:

Rather than giving students a list, have them brain storm different cultural practices themselves. This list/these lists could then be used/passed to another group for them to organise according to the four criteria.

Do the group that originated the list and the group to whom it was passed, agree?

Question: **Discuss in small groups or adapt as a community of inquiry**

Do you believe there is a set of universal values important to all people? If so, what are they? If not, why?

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Contemporary examples of cultural practices useful in the **tolerance** discussion include **bull fighting**,

Image from the Guardian https://www.theguardian.com/environment/2022/mar/18/bullfighting-still-benefits-from-millions-of-euros-a-year-in-eu-farming-subsidies

running with the bulls

and

Image from BBC https://www.bbc.co.uk/newsround/66132722

the tomato festival.

Image from https://www.famoushostels.com/es/la-tomatina-festival/

Bullfighting is a physical contest that involves a bullfighter attempting to subdue, immobilize, or kill a bull, usually according to a set of rules, guidelines, or cultural expectations.

Considered a controversial blood sport by many for a number of reasons, bull fighting is illegal in most countries. However, in some countries, for example Spain, it is defined as an art form and local regulations define it as a cultural event or tradition. (Other areas where bullfighting remains legal include Portugal and some parts of southern France.)

Discussion Questions around bull fighting could include:

1. How is the controversy over bullfighting related to the concept of relativism?

2. Do you believe that bullfighting is an ethically wrong practice or a justifiable cultural event?

Explain your reasoning.

3. In what ways might **ethnocentrism** affect your perspective on bullfighting?

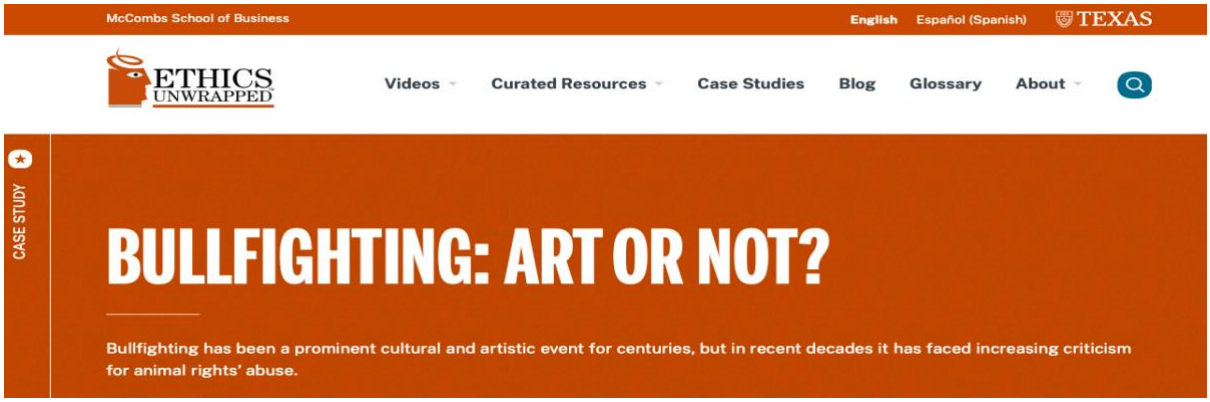
How would your opinion differ if you were raised in a different culture?

4. Is the death of the bull in the ring more humane than the death of animals in a slaughterhouse?

Why or why not?

What ethical concerns are raised by both the death of a bull in the ring and the death of a bull in the slaughter house?

Reference:
A pdf of information and the discussion questions is available on https://ethicsunwrapped.utexas.edu/case-study/bullfighting-art-not



Running with the bulls

Tradition holds that **bull-running** originated in Spain in the early 14th century. As the bull minders/herders (the pastores) transferred their cattle from barges or the countryside into town centres, either for sale, butchering or bull fights, they would excite the animals using various methods to speed up the process. Apprentice butchers would run ahead of the bulls to entice them forward. As this practice became instantiated, it began to take on a competitive edge and young men would race with the bulls themselves, aiming to make it safely to their pens without being overtaken. To this day, *running of the bulls* involves youths dashing in front or alongside the animals in a show of bravado.

The most famous modern era bull run is held in Pamplona. However, bull runs are also held in certain towns and villages across Spain, Portugal, southern France and Mexico. The Pamplona event is held between the 7th and 14th every July during the San Fermin Festival. Six 'fighting' bulls together with 6 steers are released with the sounding of a rocket, at 8 am each morning to run some 875 metres between the Corrales de Santo Domingo to Pamplona's bull fighting arena, the Plaza de Toros, crossing several narrow streets in the old quarter of the town as they do so. Thousands of runners take part over the 8 days of the festival, watched on by some one million spectators. Participation in the run is free, although folk must be 18 years or older, and must not be under the influence of drugs or alcohol. A series of rules and protocols (including the setting off of four rockets, which signal different stages of the event) are strictly applied. Just before the start of the event, the runners positioned at the first stretch on the slope of Santo Domingo, chant a homily to a figure located in a niche on the wall. This figure is an image of San Fermín, patron of the fiestas**.** The homily goes: "A San Fermín pedimos, por ser nuestro patrón, nos guíe en el encierro dándonos su bendición."***:*** *'We beseech San Fermin to guide us in this run and to give us his blessing').*

References:

https://www.runningofthebulls.com and
https://www.sanfermin.com/en/running-of-the-bulls/quick-guide-what-is-the-running-

As described by Wikipedia, La Tomatina, **The Tomato Festival**, started the last Wednesday of August in 1945 when some young people spent time in the town square to attend the Giants and Big-Heads figures parade. The young people decided to take part in a parade with musicians, Giants and Big-Heads figures. One participant's Big-head fell off, as a result of the festivities. The participant flew into a fit of rage, and began hitting everything in their path. There was a market stall of vegetables that fell victim to the fury of the crowd, as people started to pelt each other with tomatoes until the local forces ended the fruit battle. The following year, some young people engaged in a pre-planned quarrel and brought their own tomatoes from home. Although the local forces broke it up, this began the yearly tradition. In the following years, the boys' example has been followed by thousands of people.

What are the relevant ethical differences between

Bull fighting Running of the Bulls & Tomato fight

* Others ideas to represent cultural differences:

Using Film:

The God's Must Be Crazy:

Winner of *The Most Popular Film* Award at the Montreal World Film Festival in 1983, *The God's Must Be Crazy* is a humorous and entertaining film – even more so because it is over 40 years old! – that narrates a meeting of ancient African tribal culture with 'modern', European African culture. Image from https://mercycollegefilmandculture.com/2019/02/01/thematic-elements-and-tone-in-the-gods-must-be-crazy-and-dust-devil/

The thoughtless discarding of a glass Coke bottle from the window of a light plane flying across the Kalahari desert, disrupts the traditional life of the San people (African Bushmen) living in the harsh, dry environment.

Covering over 700,000 square kilometres, the Kalahari desert lies across Botswana, Namibia and South Africa. With only around 23 cm of rainfall annually, the Kalahari is a mix of sand, red soils, low growing grasses and brush. Adapted to survive in the harsh environment where food is scarce, traditional San people (like the Inuit in the earlier activity), are nomadic hunter-gathers who live in family groups, in this case of around 10 families. Each group has a hereditary leader, although their powers are limited as San society is based on communal values where everything is shared. San language incorporates click sounds and their hunting technology includes light bow and arrows, which are tipped with poison. They have a heritage of art and a complex religion. The arrival of the Coke bottle from the sky is interpreted as a gift from the gods.

But what is it? How should this object be used?

The bottle is a unique object, and there is only one of them, so it is not easily shared. All the members of Xi's social group want an opportunity to try out different things with it. As the normally peaceful, respectful, sharing culture of his people breaks down, Xi determines the object is evil and seeks to return it to the gods.

As with the Inuit activity, questions including whether the culture of the San people is merely primitive or deserving of respect, arise.
An appropriate follow up activity might be to research how the culture and traditional ways of the San people have changed over the last 50 to 100 years.

Possible activities

After watching a clip and explaining the plot, have a number of 'cultural objects' available. Alternatively, have students bring in an object that reflects something of their culture or heritage for example, a religious symbol such as rosary beads; a piece of cultural clothing such as a sporran; a utensil used in food preparation, eg sacks for a hangi; a recipe that has special meaning in their culture or whanau.
Ask participants to discuss the impact that this item, symbol, etc. has had on them.

If a clip from the *Gods Must Be Crazy* is not appropriate and/or you are working with younger children, show a Clip from **The Little Mermaid**, where the fork (dinglehopper) is found. (Image from https://www.disneyclips.com/images4/ariel3.html)

https://www.youtube.com/watch?v=4tzs1gncsHM

Have students return to the objects they have brought and ask them to imagine that they are living one hundred years from now.

Discuss

What would you imagine this object was used for?

What might you call it?

What do you imagine the artefact says about what the society valued?

How do you imagine the society associated with the object developed?

Community of Inquiry

Human nature tends to judge the differences rather than build on the similarities.

Ethnocentrism is the idea or practice of judging someone from another culture, or other cultures, only by the values of one's own culture.

What examples of ethnocentrism can you think of?

Can a person make moral judgments without being ethnocentric? If so, how?

Have students describe a NZ cultural tradition such as Christmas, Matariki, Easter, or more recently Halloween, from an outsider's perspective.

Community of Inquiry/ Debate topics/ Discussion questions

Becoming more culturally aware and responsive requires that one practice cultural relativism

Appreciating cultural diversity is really the same thing as tolerating those who are culturally diverse

The goal of cultural relativism is to be objective and sensitive to diverse cultures without ignoring international standards of justice and morality (Kottak & Kozaitis, 2003).
Kottak, C.P. & Kozaitis, K.A. (2003). On being different. Diversity and multiculturalism In North American mainstream. New York: McGraw Hill

It is arrogant of us to judge other cultures; we must always be tolerant of them

Human sacrifice (as was an ancient Mean practice) and fireworks (such as Americans let off on July 4th; the British use to mark Guy Fawks Day; or New Zealanders use to celebrate Matariki) are simply products of different socialisation.

We can't sit in judgement of an entire culture, just aspects of it.

Cultural relativism mitigates ethnocentrism

How would you describe the difference between ethnocentrism and pluralism?

"Relativism is tolerance to a fault, whereas pluralism is tolerance at its best"
https://ethicsunwrapped.utexas.edu/video/all-is-not-relative

This requires exploration of **Pluralism** and could lead to questions such as:

In what ways does your school promote a culture of relativism?

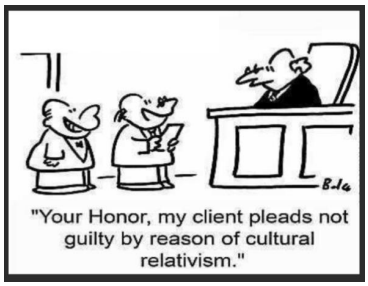
In what ways does your school promote a culture of pluralism?

Is pluralism preferable to relativism?

. . . . . but that is a topic for another workshop and resource . . . .

But to finish where we began . . . .

A few examples with respect to the front page cartoon:



From Kim, N.S. (1997).The Cultural Defense and the Problem of Cultural Preemption: A Framework Analysis, *New Mexico Law Review, 101*
Availble at: https://core.ac.uk/download/pdf/151604531.pdf

—In 1985, in Santa Monica, California, Fumiko Kimura walked into the ocean with her two children after learning of her husband's adulterous affair. She was rescued, but her two children drowned. Kimura claimed that her actions constituted the traditional Japanese practice of *oya-ko shinju*, or parent-child suicide.[1]

—In 1985, Moua, a Hmong tribesman from Laos, abducted a Hmong woman and had sexual relations with her despite her protests.[2] At trial, the defendant argued that his actions were consistent with the Hmong tribal practice of *zij poj niam*, or marriage by capture. The defense attorney claimed that in the marriage by capture ritual, a man abducts a woman and takes her to his family's home where he consummates the marriage. The woman is expected to protest the man's sexual advances as a testament to her virtuousness. The man shows that he is worthy of being her husband by continuing his sexual advances despite her protestations.[3]

—In 1987, in Brooklyn, New York, Dong Lu Chen confronted his wife about their sexual relationship. When she told him that she was having an affair, he hit her eight times in the head with a claw hammer, killing her. At trial, an expert for the defense testified that in traditional Chinese culture, a wife's adultery is proof of her husband's weak character and that divorce is considered a great shame upon one's ancestors.[4]

—In April, 1992, five friends from a Buddhist youth group helped their friend, Binh Gia Pham, douse himself with gasoline and set himself on fire. "The [forty-three] year-old immigrant was protesting attempts by the Vietnamese government to suppress Buddhism."[5] Pham's friends recorded his death with video cameras, and then reported the incident to the police, not realizing that aiding a suicide was a crime.[6]

—On April 27, 1994, Wen Sheng Hsieh was shot and killed in a restaurant that he owned. The attorneys for the defendant, Yi Ching Chou, argued that Chou was driven to seek revenge after a beating by Hsieh a year earlier. The defendant's attorneys argued that the "loss of face" resulting from the beating was further compounded by Hsieh ordering Chou out of the restaurant on the day of the shooting.[7]

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