

RECOGNITION AND GENDER VIOLENCE: MAKING VISIBLE INJUSTICE

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Resumen.- The article tries to develop a non-conventional narration of gender violence through the description of the career that category of recognition has had both in social sciences and transnational feminist debate. In the first recognition made visible and therefore politically prosecuted asymmetries inherent models of socio-cultural representation of gender relations, in the second it redefined the relationship between equality and difference in the broad debate of social justice. The combination of these results shows that violence against women can be otherwise told provided reading misrecognition as severe form of social injustice.

Key Words.- *Recognition, Gender Violence, Social Injustice*

Introduction

The purpose of this article is the link between female subjectivity and the definition (then emerging) of the phenomenon of violence. The existence of this nexus has its origins in feminist epistemological paradigms and shows how violence is a construction of a social fact whose recognition - and then existence - in public space is due to the change in social perception by women themselves. My attempt is to enter into the mechanisms of production of a discourse on violence against women that has been able to determine social and anthropological changes from which we can observe now the consequences. The survey I propose, therefore, has a reflective and critical thinking based on feminist deconstruction. I propose a critical reading of the phenomenon of violence against women in three steps, to show semantic shifts and changes in social perception that determines its evolution and representation in public space. First I reconstruct genealogy of feminist thought on Law. Feminist perspectives are dedicated from the beginning to a critique of positivism as science that neutralizes and objectified subjectivity. The different aspects of feminist thought on Law winding around concepts of equality and difference, and translate, as proposed by Carol Smart¹, three trends: sexist Law in liberal approach, Male Law in radical approach, Sexed Law in postmodern. This survey of feminist theories on Law shows how debate from the seventies, especially in Italy, has been anchored directly to struggles practiced by movements for abortion rights and against sexual violence. In that context, the

¹ C. Smart, *Feminist approaches to criminology or postmodern woman meets atavistic man*, in L. Gelsthorpe, A. Morris, *Feminist perspectives in criminology*, Open University Press, Buckingham 1990, pp. 70-84.

violence was denounced as a phenomenon rooted above all in the family, opening the first phase of development of feminist strategies for combating domestic violence, which will then be followed by a second phase, characterized by the development of women's refuges.

The definition of gender violence will follow the political and cultural change, reaching to introduction of the term "femicide"² that characterizes the current debate. Secondly, I enter in the actuality of phenomenon, analyzing gender violence as a social fact: media representation, perception of safety and public order, the real numbers of victims. In particular, I try to reconstruct the drift of security-representation of gender violence in recent years investigating the processes of criminalization and victimization, which is the main objective critique of the practices of deconstruction in new-feminist movements. Finally, I focus on the formulation of codes and cultural grammars by new-feminism, which I consider fundamental to collective action of the contemporary movements. My reflection ends with the possibility to see into the formulation of a new neo-feminist lexicon the deconstruction of gender violence not only as device for control of bodies and subjectivities, but also as an expression of social injustice.

1. Genealogy of feminist Critic of Law

The feminist reflection on Law is derived naturally from general critical to systems of knowledge, production and assignment of meaning, constituted by positivist social sciences. First, what general guide feminist critique of Law in its various forms is the deconstruction of the Subject of law, assumed as neutral, independent and universal, but drawn around in fact as white western owner man. He is an actor detached from reality, without relations or dependencies, asexual: a *fictio juris*, of which feminisms criticize the distance from the concrete embodied experience. Second, and consequently, conceptualizations of equality and difference are in question, both as horizons of feminist political action. Some feminist theories identify equality as goal or practical means to achieve an improvement in the status of women, while other perspectives argues the irreducibility of difference, first of all the sexual, to paradigm of law and human rights. This ambivalence has to do with question of whether to use law in an instrumental way, and has marked historically division between feminist movements with respect to the claim of protections, rights and recognition. In addition, the general object of feminist critique of Law is its classificatory function, which ranks subjectivity in predefined roles instead in dynamic relationship between them, in constant change, characterized by influences and experiences unique and unrepeatable, so don't reducible to abstract types provided by legal standards. This dimension of rigidity of Law produces the paradox of individual atomic, without body and history. Several authors have tried to systematize the different phases of feminist thought on Law in large areas, starting from the different basic concepts. One of these is Carol Smart, with its famous historic tripartite summarized in slogan: right is

² B. Spinelli, *Femminicidio*, FrancoAngeli, Milano 2008.

sexist, right is male, right is sexed. This division may be useful to understand how analytical elements described above are present in every declination of feminist thought, although in contradictory forms, and why new-feminism continue to produce a political discourse and a public debate that insists, instead, on categories of subject, differences and bodies. From point of view of analysis of discrimination against women, the basic problem of the liberal approach is that the criterion of assessment - the standard to which to refer to - is the man, while Law is regarded as an object of study in neutral liberal regime, thus circumventing the whole problem of construction of power relations that characterizes law and society in general

"Law does not stand outside gender relations and adjudicate upon them. Law is Part of These relations and is always gendered Already in Its principles and practices. We cannot separate out one practice - called discrimination - and ask for it to cease to be gendered as it would be meaningless to request "³

This approach is overcome by the so-called second wave of feminism, that identifies male Law as crux of the problem. This is the radical feminism, which interprets Law as an institution forged in image of a subject notionally neutral but actually male. This approach opens a space in which women can take voice and tell their own experiences, thus founding the field of studies on the "victim". Once again, however, this approach remains anchored to a static view of reality, in which the membership of a gender - be women - brings with it a potential consequences: to be victims. Are known, in this sense, MacKinnon battles for recognition of sexual harassment as crime, and for prohibition of pornography. Rights for MacKinnon can be used, then, as tool to change the symbolic and material condition of women, affecting representations and behaviors detrimental to the dignity of all women (according to MacKinnon) but: is the same public representation of the female image that has normalizing function, and therefore legislation, to indicate to woman her status and her role. The core around which develops the radical feminist perspective, born in the 60s, is sexuality, seen as device to control and oppression of women, especially in the family. Stanko says:

"Women's lovers are more dangerous than the stranger on the street. And because many of women's social, educational and economic situations take place primarily within a framework of heterosexuality, they are at risk of violence merely because they are in some form of a relationship with a Man" ⁴

The slogan of radical feminism is "all men are rapists", but, as says Tamar Pitch⁵, not all men are rapists. On this ridge is played in part the risk of essentialist radical feminism, which describes all men as oppressors of female

³ C. Smart, *Feminist approaches to criminology or postmodern woman meets atavistic man*, op. cit., p. 80.

⁴ E. Stanko, *When Precaution Is Normal: A Feminist Critique of Crime Prevention*, in L. Gelsthorpe, A. Morris, *Feminist perspectives in criminology*. Open University Press, Buckingham 1990.

⁵ T. Pitch, (a cura di), *Studi sulla questione criminale. Ginocidio. La violenza maschile contro le donne.*, Vol. 3, n. 2., 2008

gender, as if they had total power over their own lives. Essentialism underlies this position tends to flatten reality of gender relations in a static and unchangeable, which is only the size of sexuality (divided in a binary) to hack into crime-detection: are not taken into account, as in socialist feminism for example, variables of class or “race”. The third approach described by Smart is the postmodern argument that Law is sexed: it exceeds strict gender dichotomy of radical feminism and proposes a more fluid concept of positioned sexed. Law is both product and creator of the gender, subjectivity, identity, it becomes a technology of construction of gender that is no longer, according to this approach, unitary and monolithic, but is fragmented and mixed with the various social aspects class, ethnicity and sexuality. One of the main aspects of postmodern feminist analysis is the centrality of symbolic representation of social phenomena in contemporary society: through which meaning is produced and political significance helpful to nominate and then classify social phenomena underlying the social reality, thus producing systems knowledge, discursive orders and regimes of truth that justify policy choices of government. It is, according to Braidotti, a new materialism: in philosophy, postmodernism is marked by the crisis of the modern subject⁶. The Man, the dominant subject is constituted in what it excludes, as that through which it authorizes and values. In this perverse logic other are made and produced. One of the central questions posed by postmodern feminism in fact, according to Flax, is to understand and (re)constitute the self, gender, knowledge, social relations and culture without returning to a paradigm of thought and practice linear, teleological, hierarchical, holistic, or binary. Flax says it:

“ We live in a world in which gender is a constituting social relation and in which gender is also a relation of domination. Therefore, both men’s and women’s understanding of anatomy, biology, embodiedness, sexuality, and reproduction is partially rooted in, reflects and must justify (or challenge) preexisting gender relations”⁷

The aim of postmodern feminism then, according to Flax, must be to de-naturalize gender and at the same time deconstructing the concept of nature. Concept in which some feminists , so to speak, are taking refuge essentialising stereotypes naturalized as maternity and care attitude.

2. Gender Violence as a social fact

Women's bodies continue to be a crucial point for definition of the social order and its social and legal norms. Around the sexuality of women, are constructed discursive orders, several articulated, but all ultimately aimed on the one hand to affirmation of heterosexual norm, and on the other to expropriation of ability to self-determination. In the last decade we have produced two different discursive waves: social security that saw violence and prostitution both devices to stir social alarms, justify repressive measures, reproduce securitarian

⁶ R. Braidotti, *Nuovi soggetti nomadi*, Sassella, Bologna 2002.

⁷ Flax J., *Postmodernism and Gender relations in feminist theory*, in Nicholson L. (a cura di), *Feminism/Postmodernism*, Routledge, London, 1990, p. 75

rhetorical and at the same time reaffirming the social roles of essentialized gender; the next in which we are still immersed, where violence against women “back home” (where in fact it has always been), while raging sex scandals related to political leaders, like Berlusconi, and spread of a new-moralistic discursive order that once again distorts meaning of terms such as prostitution, violence, self-determination and freedom with the objective of restoring order of gender relations and weaken grip of the word - and articulated policy - of women. In this debate, feminism and politics as a cognitive perspective, though with different variations and ambivalences, calls into question order of discourse, showing figure and test of anthropological and social transformations that took place in recent years is in this dimension, where spilling continuously discursive orders and regimes of truth, which plays game of redefining relationship between gender and generations, between politics and morality, between bodies and their representations. Following a number of cases of sexual violence attributed to foreigners, it often happens in Italy that the answer is a new decree Law on sexual violence and stalking. This trend correlates the alarm on immigration and gender violence, using as an adhesive security-speech: often used the expulsion of illegal a, as if the two phenomena were linked by any relationship. The role played by media in these events is crucial. Suffice it to observe how relationship between actual performance of offenses, their media representation (in terms of quantity and quality), and perception of insecurity mainly due to immigration is significant and shows a clear trend: while the trend of crime is in decline , their media representation grows. Thus it happens that in public debate on violence against women disappear violence and abuse against women inside and outside the family, that is just the picture more 'truthful of violence against women. In Italy, almost 70% of violence is committed by former partners, family members and close friends⁸. However, the stereotype of migrant rapist again makes evident the intrinsic link between sexuality and ethnicization of public enemy, through the media construction of moral panic. It is clear, moreover, as the deep mobilizing power of rape is crucial to focus public attention on social alarms induced, useful to build the contours of a *folk devil* against which to project their anxieties and social concerns. Of course this is nothing new: the scapegoat has always been used to build the public discourse around the looming threat of a public enemy that passes through our city, making them dangerous, degraded, insecure. The enemy is stranger, the Other, who endangers identity with his presence (presumed single monolithic) of a supposed community (ethnic, national, moral or religious). And this is precisely the point. In the case of rape, what matters is that they are others who rape, scoring an insurmountable boundary between "us" and "them": a border culture, civilization, religion, and so on. In other words, violence against women is a social identity that defines, before defining the difference for themselves who rapes. Instrumentally so emotional mobilization, that comes from violence or the murder of a woman, sets out what our this woman represents: an ethnic community, national, religious, which is opposed to the stranger, the enemy, the rapist. This process of victimization of women also has another substantial performative function: to crush the players

⁸ ISTAT, *La violenza e i maltrattamenti contro le donne dentro e fuori la famiglia* http://www.istat.it/salastampa/comunicati/non_calendario/20070221_00/testointegrale.pdf, 2006

involved in predetermined roles (offender / victim), neutralized and divorced from the materiality of human and social relations. Roles that do not realize ambivalences and contradictions of the relationships and conflicts, which bring to light the cultural and social aspects of gender violence and that, especially in the case of violence against women, expropriate the latter of the possibility of taking word from the self-determination But not only. The distinction between good and bad victim (or defendant), useful to identify a community, it also serves to define what our women, to say what qualities must have a victim to be legitimate defended. The victim is useful to outline good conduct to which woman must adhere equally well for it to be recognized victim and not guilty (or imputed). In this sense, therefore, gender violence is a powerful biopolitics: through which you can define ethnic identities and public enemies, alarms, moral, normal and deviant sexual behavior, gender roles essentialized and so on. This is the story of the status of victim-defendant assigned to women from violence legislation. Processes of victimization and criminalization pass through the construction of stereotypes, essentialized roles, culturalized bodies. In the case of violence, as we have seen, on the one hand, female body is used to justify repressive intervention racist, scoring once again the deep interconnection between sexuality, identity, processes of criminalization and ethnicization. On the other hand, the representation of culturalized bodies used to say in general an order between the sexes, in which female is finally deprived of subjectivity and to speak out. Victim or others will talk about her. Because through censorship of its subjectivity hide the processes of emancipation, self-determination and freedom that are the source of fundamental conflict in our society.

3. New codes of contemporary feminisms: the communication campaigns against gender violence

The contemporary movements are prophets of the present. They do not have the strength of power, but the power of “word”. In complex societies, in fact, social conflicts develop from the definition of identity, needs and relationships. The contemporary movements, according to Melucci⁹, have developed to reformulate systems of meaning reclaiming power of naming in public discourse. The world's symbolic of self-representation, cultural meanings needs and relationships, therefore, has become the central space of the politic, within dimension of reflexivity become typical of postmodern societies. It is in this dimension that the movements start processes of deconstruction and reconstruction of new codes challenge the dominant one to interpret and transform reality. Feminist movements in fact always use symbolic tools to assert their speech in public space. The reticular form of activism, typical of contemporary movements, also characterizes efforts of feminist groups, especially around mobilizations in project, identifying policy issues, recognizing reflective practice of everyday life. And this confirms again as the inductive approach and immanent critique of feminism is based on practical experience,

⁹ Cfr. A. Melucci, *Verso una sociologia riflessiva. Ricerca qualitativa e cultura*, Il Mulino, Bologna, 1998

and critically revised policy to make it the subject of political action and research. It is thus that in recent years have developed the most significant mobilization of feminist movements.

The communication campaigns produced within new-feminism using these techniques, which have become baggage shared of social movements, they are mainly intended to deconstruct gender stereotypes, to unveil the asymmetry underlying the relationships, to denounce violence latent in many behaviors considered normal in the everyday life. But not only. Faithful to the practice of critical self-reflexive, new-feminist campaigns not even save themselves and areas of motion within which they develop and are diffused. They put a theme, so much provocative as it is effective, the fact that the same self-organized social spaces, meaning this term in the broadest sense (events, festivals, meetings), are never to be considered once and for all spaces freed from gender violence, prejudices, from machismo. In the paths of sharing, processing and production of campaigns and mobilizations are put in motion processes instead of (self-) critical analysis of practices and ways of relating within groups themselves. The issue of gender violence so immediately immerses us in this dimension of self-reflexivity, because it imposes a very high level of awareness and ability to recognize themselves as part of the problem in question. The movement itself becomes the field of political intervention, showing the problem of asymmetry in gender relations and (therefore) of power within it, and thus questioning its nature and form. Another central aspect of the communicative work of movements, in particular new-feminist, is to networking, tool unavoidable diffusion of materials and connection between different experiences. Almost all policy documents in fact today traveling on network and are available to all realities for their reproduction; appeals to assemblies, for communication campaigns, and the same flow of information circulating via blogs, mailing lists and websites. On the issue of violence against women, in the sense of discursive and performative device of gender relations, new-feminist collective have produced different types of public campaigns involving the production and dissemination of materials including computer awareness and denunciation of its causes and social consequences. In particular I want to mention three campaigns, significant for the dimension of the involvement of groups that have participated in their formulation and implementation of social reality.

1. The first originated at the national demonstration against gender violence 2007 in Rome, bearing the title "Not in my name" and focused on aspects of violence and exploitation of women's bodies in order to justify repressive measures against foreigners, while at the same time it confirms the structural dimension of violence within family relationships
2. The second, entitled "Macho-free zone - Sure that's enough?" It spreads via computer at national level. The campaign had two forms: on the one hand was the photographic representation of some paradoxical situations in which you would find women who want to follow the precepts of good conduct to prevent violence in public places. On the other insists on the stigmatization of macho behavior, through the distribution of leaflets and brochures ironic during events and parties in public spaces.

3. The third "Rigeneriamoci" of 2010 is particularly interesting for two reasons: the first is that it is part of a march against insecurity, until that time the sexuality of bodies was never considered, but deemed granted if not irrelevant. Secondly, the campaign involved the majority of neo-feminist collective, summoned to make up for absence of a political reflection of gender, and was therefore the occasion to meet and discuss various manifestations of violence: the symbolic, the homophobic, securitarian considered parts of the same organic problem.

Conclusions

I conducted this reflection on violence against women like a travel in which you can imagine a lot but you can not predict everything. You know where you start, you can choose the ways useful to address the first part of the road, but then, you know, the paths often come to meet us before we choose them. Worn metaphor, perhaps, but for me this travel has meant to open a path to self-reflexive very fruitful. This approach has allowed me to get rid of a number of prejudices that had informed my plan, and to understand the limits, above all the fundamentals. The goal that I was given was to demonstrate that gender violence is a social construction, which is stirred for food hatred and fear. I am aware that power certainly exists and it is widespread, produces bodies and sexuality, as Foucault teach us¹⁰, but gender seems to me now an outdated concept, overcome, both in a descriptive and prescriptive sense. My Prejudices were related to the fact that I had not considered another option, that I have learned through research, and that is methodological and epistemological approach together: in addition to the description and prescription there is positioning, and this perspective is related to strategy, or mode of analysis and approaches proposed by neo-feminist movements. From this perspective, everything changes. Violence is indeed a social construction, at the same time we know that kills thousands of women. So, in what sense it is a social construction? It is in two senses: one objective and one subjective, the second of which is the one that involves our level of discourse. From the first point of view, it is now clear that in public space what it represents serves to mobilize public opinion against something or someone, or to divert attention from other social problems, or in any case to fix and build identity, roles, victims, criminals, enemies, friends, protectors and relationships. In this sense, the violence is a device used as a weapon to annihilate any form of dissent, of conflicts around policies and rules that otherwise would have been democratically unacceptable. The bodies of women are violated by the very objects symbolic potential, and are used to mute any objections to the repressive policies adopted to combat it: and if she was your mother? Your sister? Your daughter? The point is, in addition the mystification of objective facts as they are represented, in this order of discourse women remains mothers, sisters or daughters of someone. Their subjectivity is not only represented, but is denied as a possibility, is misrecognized. For this reason violence against women is a social construction even in the subjective sense. Because, censoring the voice of women is

¹⁰ Cfr. M. Foucault, *Microfisica del potere*, Einaudi, Torino 1977.

denying their subjectivity. The domain paradigmatic of man -citizen, white, wealthy, usefully is represented as representative of all. These elements have emerged during my analysis, in an impressive manner: the constructions of the public enemy, defense of respectable women, protection of our society have become the main discourses around violence. The exasperation of the speech security has begun to show its limits in terms of credibility and political sustainability. The alarm security has effectively saturated the public discourse. In all this is missing the subjective dimension, placement, recognition of otherness: taking the word of the women's movement. In other words, we can not talk about violence against women without talking about the movements that fight. Or perhaps it would be more correct to say that the same tensions are created by the processes of subjectivation that strengthen the social research to push need for such investigation: a duty which springs from perception of anthropological change in progress that involves the whole society, and that shows its first symptoms in the debate on "de facto couples", on artificial insemination, monitoring sexual orientations since beginning of the 2000s. It feels more and more clearly a decisive break in social, political and legal culture of our time: a gap between rhetoric of moral increasingly paternalistic, patriarchal, authoritarian, religious and familistic continually reaffirmed at the institutional level by the flowing of the real life, desires, and cultural contamination of cognitive precarious generation. Specifically, the new-feminist perspective on violence shows that violence itself is inserted and recognized as part of a general paradigm that sees bodies and the production of subjectivity as objects of Government of life. In the development of communication campaigns and mobilizations on violence against women, in fact, this is never the only object of reflection, but is identified as part of the construction of a structural discourse that involves the whole society, its cognitive order and social development. The link between racism and sexism is conclusively verified, as confirms the objective of new-feminism movements to reveal and imposing a new discursive level, epistemological and cognitive, a different code that challenge violence against women as social injustice.