



Title: Gender, Violence and Law

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Considering law-gender and law-violence relationships, Lucinda Joy Peach (2004) argues that law is male gendered in a way in which it is forged and written by men (Peach, 2004 p. 62) and also that it does not just 'control violence outside but that law itself is a source of violence' (Sarat and Kearns in Peach, 2004 p. 65). Taking a step forward the idea of law as male-biased and itself violent, the author also claims that law provides a perception that violence is male (Peach, 2004 p. 67); so, the direct consequence is that law treats men and women in a different way and that men are seen as active actors of violence while women are considered as mere passive and fragile victims and not as possible perpetrators of violence. Peach (2004) gives a good example of the way in which being considered victims provides women almost a 'special treatment' in front of the law, a sort of justification that allows them to be effectively violent without any repercussion, by referring to those battered women which respond to their aggressors' abuses by killing them; the author highlights how, during the process it is essential for the victims to show themselves as fearful and weak to win it (p. 60). It is evident that we are not questioning the impunity given to these women that find themselves in an extreme situation and that react by using violence against their violent

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aggressors, but that this impunity is granted because of the assumption of their 'incapability' of being agents of violence and not because of the understanding that they acted that way since they were standing up for their right not to be abused.

On the other hand, this idea of women's passivity can also be interpreted to some extent as a 'pretext' for men to be violent against women; for example, if we think about the Honour Crime, that in our country (Italy) has been abolished just three decades ago, it guaranteed a reduction of the penal sentence—estimated from three to seven years of jail, for any man that would have killed his bride, daughter or sister in order to preserve the family honour. It is interesting to notice how this type of crime lied on the concept that women are bearers of the honour by no mentioning the possibility that also husbands, brothers or sons could dishonour the family. Hence in the name of such 'honour', the Honour Crime legitimized the femicide, making it socially recognized and approved. Another example of legitimized violence against women is the one reported in the article of Paul Amar (2011) that explores how, during the revolts of January and February 2011 in Cairo (Egypt), the state imposed the sexual aggression as a legal weapon to use against the protesters with the aim of weakening class respectability (Amar, 2011 p. 309).

We believe that the fact that into institutions as the law—supposed to be equal for everyone, or the state—that has the function of safeguarding citizens' rights, it is possible to notice a condition of inequality between male and female categories is another form of violence that women have to deal with. In the moment in which the authority cannot guarantee an adequate support to abused women since it is based on a simplistic idea of violence—conceived as the situation in which 'men oppress women', it becomes untrustworthy for victims of violence to make reference to the authorities, like the police, and this is one of the reasons since a high percentage of cases of violence are not reported to them. During the protests in India in 2012 over the rape case of six men that abused of a girl on a bus in New Delhi, one of the slogans of the protesters was 'We live in a society that teaches women not to get raped instead of teaching men not to rape'. We think that this sentence is enlightening since it demonstrates how the society tends to shape women behaviour on the basis of masculinity in the way in which, although women are considered as passive agents, at the same time they are also labelled as provocative (for example in their way of dressing or acting) towards men that, governed by a natural animalistic instinct, respond to these provocations by abusing of them. Hence, being male gendered, law definitely legitimizes men's violence towards women reducing them as a weak object of violence unable to react and fight against their abusers.



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