

## PRODUCING THE VICTIM. THE PARADOXES OF INTIMATE VIOLENCE NARRATIVES ON TRIAL IN ITALY

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*NOTE: The Independent Scholar Fellowship application form has been updated since this proposal was submitted.*

### **Abstract**

The proposed project is the finalization of a book titled, "Producing the Victim. The Paradoxes of Intimate Violence Narratives on Trial in Italy".

In recent years, domestic violence in Italy has received increased attention as official statistics have revealed a widespread phenomenon. Yet, in most cases women do not press charges against violence perpetrators.

In the field of domestic violence, Italy is an exemplary case study because victims' testimony plays a pivotal role in hearings, since in most cases the woman is paradoxically the sole figure who speaks, both for herself and her aggressor.

Through an ethnographic approach, I have recently proposed that the reasons why women victim of domestic violence seldom access the Italian justice system lie in its peculiar character, which reveals impervious to the demands of women, by focusing on the credibility of the victim's testimony.

Women in courts have to fulfill a series of requirements revolving around their credibility, from their narrative's content (coherent, detailed, quantitative) to their intentions (detached from any specific contingency) and the way they express themselves (a truthful tone appropriate to a victim-subject). This entanglement of factors makes it impossible for women's testimony to hold legal significance, thus rendering it inadequate, lacking, and inconsistent.

With this project I wish to develop further my argument by investigating the process of construction of the subject-victim, in particular by focusing on how women try to escape it. I contextualise my analysis through taking into account discourses on violence and gender in national narratives and political debates on women's representation and role in Italy.

My study will grant visibility to women's active role in making their testimony relevant and become a "reliable" subject, and will contribute to understand the complex relationship between women victims and the law, beyond the boundaries of the Italian case.

### **The Research Idea** *The innovative thesis of the project*

During an ethnographic research based on hearings for familial abuse trials, I observed a peculiar shift where the subjectivity of the injured party (rather than that of the accused) takes centre stage in the trial (Gribaldo, American Ethnologist 2014). Drawing on Foucault's insights about truth and juridical forms (2012), I illustrate how the women's testimony is paradoxically elicited in the form of a confession that reproduces an assumed victim-subject.

By focusing on the victim rather than the crime, Italian judicial logics, far from gender neutral, allow to investigate how legal proceedings related to intimate partner violence are intertwined with media representations of violence against women, national narratives and political debates on women's role.

My project highlights the construction of the ideal "perfect" victim of domestic violence required by the Italian legal system, and aims to understand the forms of resistance that women deploy to escape the contradictory demands of the juridical apparatus.

My thesis is innovative as it places domestic violence within the broader debate on gendered subjectivity and socio-cultural bounds. It will provide a general theoretical frame to anthropology of law and gendered violence, well beyond the boundaries of the Italian case, fostering further research on the issue of domestic violence and forging new tools to understand and face women's requests.

### **Background** *Current research reference points and their limitations*

Domestic violence is an acknowledged and largely debated issue, and yet still undertheorized in the social sciences. Despite the interest in the relationship between violence, gendered subjectivity, intimacy, and subalternity, debates about global, legal and structural violence tend to overlook intimate partner violence.

Social scientists' consideration of the contextual dimension of social violence (Riches 1986, Malkki 1995, Héritier 1996, Kleinman, Das and Lock 1997, Ajimer and Abbink 2000,

Schmidt and Schroeder 2001, Das Kleinman, Ramphele, and Reynolds 2000) has made it possible to take into account analyses of crime “in peace-time” (Scheper-Hughes and Philippe Bourgois 2004) and the forms of structural violence that work through social and economic inequalities (Farmer 2004, Das 2006).

Despite ethnographic approaches giving rise to studies focused on domestic violence in specific contexts (Wies and Heldane 2011, Lancaster 1992, Counts 1999, Websdale 1998, McGilligay and Comaskey 1999, Abraham 2000, Engle Merry 1994, 2000, McClusky 2001, Goldstein 2003, Plesset 2006, Lazarus-Black 2001), social theories of violence have not granted equal attention to male violence against women committed in intimate relationships.

The much-discussed “battered woman syndrome” and “learned helplessness” (Walker 2000) is not adequate to understand women’s agency and accounts. Cultural expectations about the behaviour of battered women produce an equation that links agency with separation from the violent partner. Furthermore, this equation implicitly invokes the dichotomy between agency and victimization/oppression. This exclusively negative conceptualization of liberty makes it impossible to address the complexities of this issue in specific contexts (Brown 1995).

**The Focus** *How the research provides a fresh approach to real-life problems*

In Italy, domestic violence is included under the crime of familial or child abuse, which derives from the Fascist-era Code. This specific crime is prosecutable regardless of whether or not a charge has been made, so that even if a woman’s statement is retracted, the trial still goes forward. This is particularly relevant given that in most of the cases women do not press charges, and even when they do, they withdraw them in half of the cases.

Most of the times, the accused does not appear in court or endorses his right not to speak (contumace, in italian): the result is that the trial becomes entirely focused on the victim’s testimony. In court, the question “who did what to whom and with what intentions?” often rapidly slides into a direct request to the victim of violence to answer the question “who are you?”.

With this project, I wish to highlight the difficulties and gender biases that women face when they address to the legal system: Which elements make the Italian justice system unfit to respond to women's requests? Which cultural stereotypes are at work during the hearings? Which peculiar strategies do women use to make their assertions fit in the justice system requests? How does the legal system respond to such unpredictable narratives?

My analysis will take into account the much discussed gender representations and cultural biases in Italian media and in recent public and feminist debates.

**Theoretical Novelty** *What conceptual innovation the research is aiming at*

My proposal is to approach the Italian legal field as a heterogeneous system of knowledge and power that engages in complex relations with techniques of subjection and discourses of truth (Foucault 1983, 2012) and is thus eminently suited to investigating the production of the victim-subject.

In the familial abuse context, a verification of the violence brings together love, relationship, family, intimacy, and sexuality as exemplary sites of the "true self" (Foucault 1976, Rose 1990). The victim is constructed through intersecting lines of questioning and assumptions in which she is examined as an individual (Loseke and Cahill 1984, Schneider 1994).

Drawing on feminist theories of violence and the law (Smart 1989, Bell 1993, Pitch 1998, Hirsch and Lazarus Black 2007) I wish to further investigate the relationship linking violence, the engendered subject, affectivity, witnessing, and agency (Butler 1997, Das 2007, Das et al. 2000, Moore 2007, Spivak 1988, Fassin and Rechtman 2007).

In order to do so, I will expand my recent study (Gribaldo 2014), by proposing an ethnographic approach to dissect the devices producing the woman as victim, beyond the antithetical figures of the manipulative victim to be blamed and the helpless victim to be saved.

My research will contribute to discuss the idea of victims' agency assumed by the liberal theoretical conceptualization of freedom and subjectivity (Hirsch 1998, Mahmood

2005), within the peculiar Italian political and cultural frame (Dominijanni 2014, Gribaldo and Zapperi 2012).

**Methodology** *How different disciplinary inputs will interact in empirical inquiry – specific methodological examples are often helpful for non-specialist readers*

The proposed project is built upon a research carried out between April 2010 and December 2011 in the city of Bologna, Italy, in the frame of the European Dafne project on intimate partner violence and justice systems.

The research was designed to take into account the complexity of the women's experience and the relationship with the legal system. Given the acknowledged difficulties to investigate intimate partner violence using exclusively quantitative methods (Dobash and Dobash 2004), anthropological qualitative methodology is particularly fit to explore the way the legal system recognizes women's experiences.

I interviewed victims at the local women's shelter, professionals in the legal field (attorneys, prosecutors, judges), social field (social-health professionals), security field (police and carabinieri) and carried out ethnographic observation of court hearings focused on the crime of familial abuse in Bologna.

Comparison among women's and professionals' different views and strategies in court permits to highlight the contradictions related to the legal system requests. This also gives visibility to the women's active role in determining what is relevant within the testimony, increasing the chances to be considered a "reliable" victim.

My project will apply an original interdisciplinary approach to domestic violence and the law, by putting in dialogue legal perspectives in anthropology with cultural and gender studies, semiotics, postcolonial studies on subalternity, media and communication studies.

## **Relevance**

The ISRF's goals will be furthered through an interdisciplinary and original ethnographic approach addressing the social issue of violence against women.

An enquiry into the construction of the victim of intimate partner violence and the role played by the justice system is timely, given the relevance that domestic violence and sexist media representations have gained in Italy in the last years.

The research will contribute to:

1. Intertwine anthropological theory on violence and subjectivity, feminist theory and Foucauldian theorization on discourse regimes, giving an innovative and original stance to analyse domestic violence and critically challenge incumbent theories (i.e. "battered woman syndrome") and assumptions.
2. Make visible the paradox of violence and intimacy as constitutive of intimate partner violence in the specific Italian context. In addition, it will highlight the complexity of intimate gendered violence and reassess the relationship with the law.
3. Place an often undertheorized issue within the broader debate on violence, gendered subjectivity, power, and agency, by address women's silences, stances, claims, strategies, and negotiations.
4. Give a fresh new contribution to theory of subjectivity and intimacy by originally considering media and popular culture communication styles to enrich the analysis of domestic violence testimonies.
5. Speak well beyond the boundaries of the Italian case, by providing a general theoretical frame that will contribute to anthropology of law and gendered violence, fostering further research on the issue and forging new tools to understand and face women's requests.