

## **Final Report (excerpt from presentation at ISRF Workshop 2017)**

Intimate partner violence is one of those dead zones of the imagination, using a term by the anthropologist David Graeber (2012), that elude a critical analysis, not so much because of a lack of relevance, but rather because they represent some sort of excess of relevance, and deal with fields of common experience that do not lend themselves to a rich and meaningful narrative, an authentic disruption of expectations. In the case of intimate partner violence, we may speak of a violence “degree zero”, as it is a much-debated issue and at the same time an “area of violent simplification”.

In my work I underline the complexity of the issue, and in particular I show how the relationship with the law represents a crucial perspective to understand the various ways in which violence can be silenced or elicited. Perpetrators of course can violently enforce women's silence, but the professional language of victimhood can also operate elisions in the construction of a victim-subject.

The production of evidence in law meets several conundrums when domestic violence is addressed. The kind of testimonial proof represented by the victim of domestic violence in Italy draws on logics of truth that seek to identify her capacity to know and understand her own experience, and act consequently. Through my work on domestic violence and the law in Italy I underline that the interpretive labour on gender violence is required from the one who suffered violence and not from the perpetrator. The judgement of law entails that, even if violence within the family is not to be considered licit anymore, nonetheless it has to be made clear and comprehensible in order to be assessed. This explanation has to be provided by the victim, as she is the one who best embodies the effort to interpret otherwise meaningless violence as the perpetrator doesn't attest any claim about its meaning.

Telling the truth, denouncing violence, pressing charges and giving a clear account of the violent facts make the women persuasive in different ways according to different institutional requests. Victims of domestic violence appear too difficult or largely uncooperative: Professionals express this frustration facing the lack of determination and clarity in the women's statements and stances, and wondering the vaguely Freudian and ultimately unanswered question, “what do women want?”. Social workers do not ask to be persuaded, but request women to guarantee that they will not disappear, that they will stick to a conduct, and can be worthy of being taken care of by the services. On one hand, social services ask the woman to press charges *no matter what* in order to access services while, on the other hand, the justice system expects and demands that the charges not only represent a means to an end, but that the women be fully committed to the sentencing process. In fact, law enforcement personnel show the effort in supporting the subject in her determination to proceed with legal action, acknowledging her hesitation, ascertaining if she is strong enough, if she will “maintain” the charges, and eliciting the whole story as it emerges from (“they don't want to tell [the story]. And how can we plan our intervention without a story?”). Women have to say it all about violence and the relationship with perpetrator, to perform the meaning of pressing charges namely a request for judgment.

When taking the stand at domestic abuse trials, women are called on to over-identify with painful experiences: this is what makes them reliable victims. This comes as no surprise given that legal intelligibility demands a process of classifying: The law's typical practice is to recognize kinds of subjects, acts and identities, i.e. to taxonomize. Feminist reflections have the capacity to re-establishing boundaries, terms, and idioms, striving to recognize unvoiced and unspeakable subjects. Law is by definition haunted by issues and subjects that cannot be taken into account. Feminist thought on law not only considers the formal and *de facto* constraints that impede women's access to a state of individual autonomy, it also calls into question the features of the concept of autonomy as they have become consolidated in liberal thought and its applications. This field, fuelled by discussions of normativity, responsibility and the autonomy of the individual, proposes the dimension of gender as a critical element that casts into doubt the universalist pretensions of the conventional legal subject (Minow 1990; Smart 1989). Feminist and critical legal studies have highlighted how

paradox is a critical component in the legal treatment of women, as it produces both devices of categorization and forms of empowerment.

The liberal subject of law draws on a humanism that routinely conceals its class, gendered, racial, and sexual norms. Some feminist interpretations of law (Irigaray 1984) tend to identify the ethical with the feminine and cast women's experience and words as something that escapes representation in language, symbolizing that which lies beyond violent or difference-repressing institutionalization. The effort of feminist thought is to eschew the risk of falling into essentialist traps that identify women as a subaltern monolithic subject, a subject who occupies a position of complete exteriority in relation to the law.

We may wonder, following cultural theorist Lauren Berlant, "what is the relation between the (seemingly inevitable) authoritarianism of juridical categorization, and the other looser spaces of social life and personhood that do not congeal in categories of power, cause, and effect the way the law does?" (Berlant 1999:75). In the face of this hailing of the subject-victim, a figure actually impossible to perform straightforwardly, is it thinkable to refuse the "juro-politics of affect", by demanding different ways of telling the truth (ways that do not conform to the requirements of authenticity)? Are ambiguities and complexities always disastrous in the legal system? What is the role of women and feminist advocacy in problematizing the liberal legal subject?

### **Output: Seminars and interventions**

-20 May 2016 University of Bologna, School of Psychology and Education, Seminar, *La violenza in tribunale. Etnografia dei processi sul maltrattamento nelle relazioni di coppia.*

-20-23 July 2016 EASA Biennial Conference "Anthropological legacies and human futures", Panel: Evidence in question: anthropological authority and legal judgment. Paper presentation: *When evidence lies in the victim: Domestic violence and the Law in Italy.*

-21 November 2016, University of Modena e Reggio Emilia, Department of Studies on Language and Culture. Intervention at the conference "La violenza maschile contro le donne: i contributi della ricerca e della formazione universitarie", *La produzione della vittima. Un'etnografia dei processi per violenza nelle relazioni di intimità.*

-10 March 2017 University of Roma Tre. Master in Antropologia Pubblica (Genealogie, Generi e Differenze), One day seminar, *Vittime paradossali: violenza, intimità, testimonianza.*

-14 March 2017 University of Modena and Reggio Emilia, Department of Studies on Language and Culture, Seminar *Violenza genere e testimonianza.*

-20 April 2017 University of Bologna, School of Psychology and Education. Seminar *La violenza in tribunale. Etnografia dei processi sul maltrattamento nelle relazioni di coppia.*

-11 May 2017 University of Siena, Master in Anthropology and Image, Seminar, *Violenza genere testimonianza.*

-19 May 2017 University of Bologna, School of Law, Intervention at one day seminar *Il Diritto e lo Sguardo Antropologico. Riflessioni a partire da ricerche qualitative. La violenza nelle relazioni di intimità e la legge.*

-7 June 2017. Municipality of Bologna, Training course for social workers, *Le aspettative sulla vittima e le forme di esperienza di violenza delle donne migranti: riflessioni antropologiche.*

### **Publications**

The book is going to be completed in December 2017, a book proposal to be submitted to an international publishing house in autumn 2017. An article has been submitted in May 2017: *The burden of intimate partner violence: evidence, experience and persuasion*, (academic journal).