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Gender-based violence and intersectionality: From theory to policy

ABSTRACT

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By tracing the various theorizations made by feminist research on male violence against women or gender-based violence, and the criticisms that have been expressed of approaches that do not take into account the experiences of minority groups, this paper aims to draw attention to some of the current theoretical and practical issues, presenting in particular the example of the fight against "street harassment" on which the author has been working for nearly 20 years.

RÉSUMÉ

Quels sont les apports de près de 40 ans de recherche sur les violences fondées sur le genre et comment peut-on les mobiliser pour l'action publique ? En retraçant les différentes théorisations effectuées par les recherches féministes sur les violences masculines envers les femmes ou fondées sur le genre, puis les critiques qui ont pu être adressées aux approches qui ne prennent pas en compte les expériences des populations minoritaires et minorisées, cet article entend attirer l'attention sur certains des enjeux théoriques et pratiques actuels, en présentant en particulier l'exemple de la lutte contre le « harcèlement de rue » sur laquelle l'autrice travaille depuis près de 20 ans.

Introduction

Since 2017, and the globalization of the #MeToo movement, the issue of violence against women or more generally gender-based violence has been at the forefront of public debate. Many stakeholders have taken up the issue, be they activists, politicians, lawyers, media-related professionals, public sector or civil society workers, or simple citizens. With the #MeToo movement, the recurrence and pervasiveness of violence against women, and even its structural dimensions, have been brought to light. It has appeared as a phenomenon that is no longer acceptable, and against which it is necessary to fight (Cavalin et al. 2022). While the scope of this movement and the consequences it may have in terms of freeing victims to speak out or publicly condemning the aggressors are unprecedented, the politicization and denunciation of the phenomenon is not new.

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Feminist movements have contributed to the recognition and theorization of gender-based violence and highlighted the large proportion of women who experience it at the hands of a close friend, relative, spouse, or colleague: thus, the focus was first on male violence against women and women's experiences as targets of violence. These movements have contributed to the recognition of victims of violence in general. As early as the 1970s, they forced the debate into the public domain by qualifying as political sexual and intimate partner violence that had often been downplayed or neglected on the grounds that it was associated with the private sphere. Through the collective narration of the sufferings inflicted and experienced by women, feminists have denounced the non-recognition, the naturalization of intimate partner and sexual violence. They have also criticized the excessive tolerance of these actions and the tendency to hold the victims responsible for the acts suffered, minimizing the seriousness of the facts. This phenomenon is generally described as secondary victimization: in addition to being a victim and not being recognized as such, women are made to feel guilty for the attacks they have suffered.

Theorizations put forward by certain feminists in the 1970s and 1980s, while still crucial, are being increasingly questioned in a context characterized by the fragmentation of feminist movements and by new concerns in the representation of the cause of violence. Indeed, in order to bring gender-based violence out of the invisibility into which it had been relegated, the demands for the regulation on violence, as well as the need to reveal the extent and recurrence of the problem have tended to put the accent on a single relationship of power - namely gender relations. In doing so, they contributed to the constitution of a *female subject*, to the detriment of the differences between women according to their social classes, their racial and ethnic backgrounds, their migratory trajectories, their sexualities. They have barely taken into account the differing resources that they had according to their social statuses (Crenshaw 1991).

We may therefore ask what is actually at stake in the current fight against gender-based violence. Feminist mobilizations have indeed enabled the category "violence against women" or "gender-based violence" to appear as a legitimate policy category at national and international levels. They have given rise to forms of institutionalization of prevention and punishment, in terms of laws and policies that are mainly based upon the notion of protecting women. What kind of theoretical and political assessment can be made today of these militant and institutional advances? Before expanding further on the limitations of these conceptualizations and the issues that arise from them, particularly for public policy on street harassment, we propose first to examine the forms of theorization proposed by feminists, namely the notion of a continuum of violence proposed by Liz Kelly (Kelly, 1987).

1. From the analysis of violence to that of gender-based violence

1.1. Violence as a constituent of social life

When we use the term violence, we are referring to an extremely vast field of acts and brutalities that cause suffering and pain, that injure, mutilate, or even kill. A significant part of sociology has long considered these actions to be deviant, or even expressing individual pathologies, the decline of which would be observed in the process of modernity with the emergence of democracy, economic prosperity, and the fight against poverty. Yet, other research has argued that violence remains omnipresent in social life, in naturalized and trivialized forms, and that it is even constitutive of social relations as the expression of power relationships (Walby 2012).

Violence should therefore not be understood as a marginal form of social interaction, even if it is often understood in its etymological sense, which concerns the use of physical force against others. Often presented as being the only objective one, this restricted definition however does not avoid subjectivity since it is impossible not to refer to social and legal norms to understand violence. Depending on the context, certain acts are or are not categorized as personal injury. This was the case of forced sexual intercourse between spouses, which has been qualified as marital rape since the 1990s, but which has long been considered as part of the duties between spouses, and which, in spite of its legalization, is still poorly recognized. Moreover, depending on the legal criteria, the same acts can be licit or prohibited. For example, the use of physical force is not always illegal, especially for police officers in certain circumstances. This is what Max Weber called the "monopoly of the legitimate use of violence", to categorize different uses of force through which the legitimacy of state power is manifested. The construction of what is categorized as violence is thus always contextual and historically situated.

Consequently, the definition of violence has been extended to include an attack on the integrity of the person. This attack may target the body. It can also affect a person's ability to make autonomous decisions. Finally, it can be exercised through forms of control and personal or institutionalized constraints. This extension of the understanding of violence beyond physical force alone and as part of ordinary social relations has been supported by the feminist movements since the 1960s and has been increasingly institutionalized since the 1990s. Since then, transnational institutions (UN, WHO, Council of Europe, etc.) as well as states or governments through legislative innovations have moved towards giving violence an increasingly broader definition (for example moral harassment is an offense because it is linked to the psychological harm inflicted on individuals).

1.2. Reasserting the gender order: continuum of violence and social control

In this context "gender violence" or "gender-based violence" covers a plurality of acts, which can be psychological, physical or sexual in nature, and allow for the reaffirmation of a gender order. These include, for example, violence in intimate relationships (conjugal violence or violence in romantic relationships), sexual harassment in professional or leisure spaces, homo or transphobic violence, feminicides. Beatings, sexual violence, rapes, insults, threats, harassment, confinement, control, humiliations, as many acts and brutalities both physical and psychological that fall within the definition of gender-based violence, without being an exhaustive list. The definition of violence is subject to various forms of politicizations and very diverse social and linguistic expressions. This category was developed to restate the structural dimension of social power relationships which characterize gender relations. Indeed, gender is understood here in a constructivist or performative way, as a power relation and an attribute that is not fixed but is realized day after day through norms and constraints; it draws its apparent stability from this daily repetition. In this sense, violence is constitutive of the re-affirmation and existence of gender, and of the categorization and hierarchy between masculinities and feminities. In this conceptualization, violence emanates from the reproduction of naturalized or unchallenged power relationships, for example through the different forms of control over women's bodies. Power relationships may also result as a form of reassertion of resistance or dispute, particularly in cases where the gender order has been transgressed through an action or attitude deemed inappropriate.

Feminist research has above all made visible the naturalized character of social practices, by underlining their structural dimension - it is the gender order that defines certain bodies as vulnerable and exposes them even further. Feminist work has shown that the violence women experience is mainly perpetrated by men, while the opposite is not true: the violence experienced by men is also mainly perpetrated by men. It has also pointed out that this problem is extremely widespread and common. It is not very visible but normalized and spans all social categories.

For Jalna Hanmer, one of the first theorists of male violence against women, this phenomenon is one of the levers of social control exercised over women, and its nature and severity vary in different spheres of life. Jalna Hanmer explained that "*men's use of violence or threats against women serve two purposes: one is to exclude women from certain areas or restrict their*

scope of action, the other is to force them to behave in a certain way" (Hanmer, 1977: 85). Her main argument is that physical force alone does not define violence. Threats, sexist jokes, and the lack of state sanction for such violence are not secondary or minor facts. On the contrary, they are inherent in the structure of power relationships.

Subsequently, in order to describe the fact that these forms of violence, despite their diversity and specificities, are part of the same system, Liz Kelly has defined sexual violence as a continuum. This notion links different forms of violence, in different spaces and their continuity throughout life, and indicates that sexual violence is present in the lives of most women. By distinguishing between the continuum of frequency (a multiplication of situations throughout the course of life) and the continuum of experience (a variety of experiences ranging from choice to coercion), Liz Kelly emphasizes the functional links between different forms of male violence: for example, between name-calling and fear in public spaces, sexual assault, and intimate partner violence. The focus is not on measuring severity, but on "*how women react to and define their experiences*" (Kelly 1987: 49).

Today, this perspective allows us to extend our analysis to the exercise of political and military power, where civil wars and international interventions are accompanied by specific forms of violence (mass rape, forced prostitution, as was the case with comfort women during the Second World War in Asia), or to draw an analogy with terrorism, where gender-based violence is conceptualized as terrorism of the everyday and the intimate. A link is thus established between exceptional masculine practices and more ordinary and frequent ones. The idea of a continuum highlights the fact that the most serious forms of violence need not be perpetrated to be effective.

Such perspectives helped to make visible the invisible violence inflicted on women, and to emphasize the intimate link between violence and gender relations. However, they are limited by the fixed dimension of gender norms. By opposing male perpetrators and female victims, they may be reaffirming the link between femininity and vulnerability and may ultimately reinforce the very gender relations they denounce.

To account for other forms of gender-based violence, such as violence against LGBTIQ+ people, violence in same-sex couples, or violence perpetrated by women [1], the category "gender-based violence" is now preferred to that of "violence against women". At the risk of losing sight of the prevalence of male violence against women, broadening the question to gender relations via an intersectional

"Male violence is one of the levers of social control exercised over women, and its nature and severity vary in different spheres of life."

[1] Research on this theme emphasizes above all the unequal access of women to power and to the exercise of violence. The violence exercised by women is in a way "out-of-frame". Dominant representation struggle to conceive this type of violence.

perspective serves as a reminder of how gender remains – perhaps more than ever – useful for understanding and analyzing violence, provided it is considered from an intersectional perspective.

2. Gender as a prevailing social relation?

2.1. Towards an intersectional critique

Black feminists in the United States have denounced the failure of the feminist anti-rape movement to grasp the ways in which sexism and racism feed on each other; they have pointed to the inability of white feminists, mostly from relatively privileged backgrounds, to see the link between systematic white rape of black women and racist violence, or the lynching of black men who were unjustly charged with rapes committed against white women (Collins 1998). Angela Davis, for example, has criticized seminal authors of the 1970s such as Susan Brownmiller for perpetuating these racial stereotypes in their conceptions and denunciations of violence.

In her study of women in shelter homes in black communities, Kimberle Crenshaw (1991) questioned one-dimensional universalist perspectives, and namely the gender one. According to her, gender does not sufficiently distinguish the interlocking social relations of gender, race, and class. She highlights the inability of feminist struggles against sexual violence and intimate partner violence to acknowledge and address the experiences of women of color. Kimberle Crenshaw has developed the concept of intersectionality, with both structural and political dimensions. The former refers to the material social position and the resources that result from it, while the latter highlights the invisibilization and depoliticization of violence against minority groups. She thus observes that the support offered in homeless shelters is inadequate for the majority of women from these communities, who often come from very poor backgrounds, who do not necessarily have a good command of the English language or who do not have access to work and decent housing to free themselves from intimate partner violence.

These perspectives, which focused on the experiences of overlooked social groups, have indeed been fruitful in giving rise to reflections on the diverse nature of situations as well as the variety of oppressions. They highlight the need to consider other forms of structural inequalities such as class privilege, racism or heteronormativity, and the way they are connected with gender relations. Beyond the consideration of the simple difference or variety of situations, it is a question of highlighting the way in which these reflect power relationships and grant distinct resources to some and not to others. Thus, certain social disadvantages increase vulnerability to interpersonal violence, and the lack of specific resources to remedy it (Collins 1998).

That approach questions some forms of intervention and public policy in relation to gender-based violence and reveals an important, and indeed classic, tension in the study of social claims or action: the need to expose and make visible embedded inequalities promotes a homogenization of social groups, to the detriment of the less advantaged segments of those groups.

2.2. Who has the power to qualify and define violence?

The intersectional perspective questions the definition of the problem and the forms of hierarchy and power it implies. Lila Abu-Lughod (2013) has thus questioned the forms of legitimization of the American intervention in Afghanistan, in the name of war on terror but also in the name of the fight for women's rights, that she analyzes as new forms of imperialism.

By looking at how the issue of gender-based violence can be politicized in certain contexts, several studies show how some groups are constituted as less egalitarian than others. The struggle against gender-based violence or homophobia is sometimes mobilized by (non-)feminist groups to legitimize distinctions and hierarchies between religions, cultures, or social classes. A number of studies have shown how the Dutch far-right parties act as spokespersons for a certain sexual democracy by leveraging a myth of so-called national superiority. These works advocate the avoidance of overly hasty culturalist explanations. In addition to their stereotypical character, these forms of explanation consider too often culture (others' culture) as a purely negative vector in terms of gender equality, while on the contrary that culture may also include many protective elements. They also tend to obscure the obvious forms of inequality in their own society. Instead, sociological research is about understanding more fully how gender-based violence is perpetuated according to social logics which are specific to different cultural, political, and economic contexts.

Public interventions against gender-based violence are inherently linked to the definition of violence. Intrinsically, and from the point of view of the constitution of public problems, the way in which a problem is framed reflects the way in which it is defined and the solutions that are possible. For instance, speaking of intimate partner violence implies considering the spousal relationship, which is made up of dependencies, especially economic dependency, and mostly refers to violence against women. It's important to remember that the emergence of public policies against intimate partner violence goes hand in hand with the spread of conservative family norms, which are not necessarily compatible with women's rights.

Using the American model, Patricia Hill Collins (1998) highlighted how power relationships influence what accounts as and is categorized as

violence. Some privileged groups have the power to define what constitutes violence in order to reinforce and legitimize social hierarchies and their own positions. Similarly, other studies highlight unequal access to protection and justice, and emphasize how state inaction can also normalize or even denigrate certain forms of violence. This is particularly the case with the notion of « feminicide » as conceptualized by Marcela Lagarde (2006) in Mexico, as opposed to « femicide », to highlight the system of impunity and the state's lack of concern for the safety of its female citizens.

All of these studies pay particular attention to the way in which violence and power relationships are intrinsically linked and highlight the necessity for a material analysis: structural inequalities are constitutive of the exposure of minority groups to violence as well as of the resources available to the victims to resist it. These studies also focus on the way in which the category of violence is dealt with, and policies implemented in practice. The aim is to understand what realities it covers in different contexts and to develop a critical reflexivity regarding the definitions that are favored by public policy.

2.3. Fighting against "street harassment": the new boundaries of exclusion

This critical reflexivity about power relationships and privilege, which is necessary for any form of feminist political action (Lépinard 2020), requires us to study the definition of categories and their effects - in particular, by asking who are the ultimate targets of policies. The issues of definitions and the various representations of a problem set the boundaries between what is acceptable and what is not. They allow us to define responsibilities and conceivable solutions, as well as who is involved and who is excluded.

Research on public policy against violence in public spaces sheds light on varied and situated definitions of the category of violence, which espouse multiple social logics. It highlights how, in a context of gentrification of public spaces, concern for women's safety serves to promote middle- and upper-class values (Lieber 2016; Lieber 2022). I mobilize feminist theorizations of violence while resituating them in the logics specific to the spaces studied.

In the early 2010s, a series of articles, debates and public actions denounced what is now called "street harassment". While the issue of gender-based violence in public space had long

been denounced by feminists, it had not been the focus of public attention until then (Lieber 2008). By the mid 2010s, however, this issue gained unprecedented publicity, with a consensus combining the left and right parties, sometimes including even parties generally disinclined to defend women's rights.

To explain this shift in perspective and to understand how an issue that had long remained in

the shadows became a public issue, it is important to study definitions and framings. In this respect,

two different approaches to gender-based violence can be identified: a perspective formulated in terms of women's rights to autonomy, and a second more security-oriented perspective that favors forms of normalization and exclusion of certain social groups, that are already considered problematic in public spaces.

In the 1970s and 1980s, in connection with campaigns against the trivialization of rape, feminists denounced the social norms that prevented women from moving freely in public spaces. They highlighted the existence of a continuum of violence in these spaces, from whistles and other remarks about physical appearance to rape. They denounced the predominantly male dimension of public spaces, which are officially mixed and open to all. After having partially disappeared from the political and media scene, these denunciations reappeared in the 2010s, especially with women*'s [2] night marches, slut walks or the Hollaback movement. These initiatives denounced the "rape culture" and the fact that women today still do not really have the "right to the city" nor the right to free sexuality and that their consent remains a value that is too often compromised.

A second framing is more about security measures. Since 2012, the film by documentary maker Sofie Peters has caused quite a stir. By filming her movements in a working-class neighborhood of Brussels, she reported on the numerous remarks and intrusions she had to endure on a daily basis, so much so that the city's authorities introduced a (strongly contested) sexual harassment offense. The analysis presented in the film denounces practices attributed only to men of foreign origin and of Muslim faith. In this religion, in the words of the documentary filmmaker, sexuality is said to be taboo and (young) men sexually frustrated, hence their assaults. This type of culture-related explanation, used to construct the other as deviant, is to a great extent questionable

[2] Including trans and non-binary people. The term woman* is used to refer to any person who self-identifies as a woman or has been socialized as such.

from a sociological point of view. It reinforces at the same time a conceptualization of (Muslim) male sexuality as naturally overflowing, from which the members of these groups thus elaborated and reified cannot escape, no more than they would have the capacity to contest the values attributed to their culture.

This film contributed to an extensive debate on the situated or transversal dimension of violence against women. It led to the development of reflections and actions in the 2010s in different administrations as to the place of women in the city. The issue of women's constant insecurity was addressed through the new public policy category of "street harassment" and since August 2018, the legal concept of "indecent behaviour" (*outrage public*) has meant characterizing this type of practice as criminal. What is the understanding of violence that is conveyed through these policy and legal categories? Which groups of people are concerned by these policies? Do institutions favor a certain understanding of violence at the expense of other definitions?

An analysis of the different instruments of public action mobilized in Paris to encourage the presence of women in the city shows that only certain types of men are considered troublemakers, even though statistics show that perpetrators of violence belong to all social categories. Furthermore, state protection is not equally granted to all women. For instance, street vendors or sex workers, although they are women, are more likely to be considered as disruptors of public order. Collectives of migrant women working as prostitutes have demanded the right to better protection by the police in particular but they have been refused any dialogue (Le Bail, Lieber 2021). Similarly, some racialized women have complained that when they are harassed by white men from privileged backgrounds, they find it difficult to get recognized as victims (Lieber 2016). These examples illustrate how policy instruments promote new forms of normalization of female and male practices in public space. They contribute to shut out groups defined as illegitimate, but they also support the habits of middle and upper-class women (Lieber 2022).

The point of presenting these different framings and understandings of the problem is to show how they relate to other social issues. It is specifically when the second form of definition of the problem was taking shape that public authorities mobilized beyond the administrations in charge of gender equality, and that a consensus emerged on the need to promote women's safety in public spaces. Beyond the claims of women's rights, there are now some broader issues related to the desire to have safe, clean city centers free of groups deemed undesirable. Indeed, several studies show that

demands for women's safety contribute to reinforcing security discourses and discrimination against impoverished groups, and some feminist activists denounce the distortion of the cause for which they are fighting. Public space is certainly affected by sexism like all social spaces. Yet, in some circumstances, these claims are re-appropriated and reframed in order to protect middle and upper-class spaces.

Conclusion: Topicality of the continuum and categorization issues

The definitional issues surrounding the treatment of violence, and the forms of distinction they entail, underline the importance of understanding how the various conceptions of violence relate to the specific logics of the social spaces that give rise to them. Feminist theories, and in particular the notion of the continuum, remain very important in order to avoid symmetrizing violence and to consider it contextually. It enables us to account for the structural dimension of power relations and their role in maintaining a gendered social order. However, this perspective must not prevent us from grasping the multiplicity of social logics and contrasting experiences, as well as the resources available to the protagonists to resist. Combined with an intersectional critique, it enables us to grasp the forms of inclusion and exclusion engendered by different conceptualizations of violence. Transposing the fight against violence in a category of public intervention thus appears complex, as it is part of specific, historically situated, multi-scaled and sometimes contradictory logics.

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