



Fragmented victims: Women victims of gender-based violence in the face of expert discourses and practices in Spain[☆]



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ABSTRACT

This article seeks to provide insight into the situation of women victims of gender-based violence in the face of the expert discourses and practices developed in contemporary Spain. The number and diversity of expert apparatuses and agents, each with their own genealogy, respond to different—and even conflicting—discursive frameworks and modes of practice. The analysis of empirical material—in-depth interviews with both experts and abused women, as well as a specific ethnographic assessment of the judicial space that deals with such cases—reveals how women who are victims of gender-based violence have to deal with the contradictions between structural/judicial and therapeutic discourses and practices, and how that leads to victim fragmentation.

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1. Introduction

On December 28, 2004, the Spanish government of Socialist Prime Minister José Luis Rodríguez-Zapatero enacted the first law of its legislature: Organic Law 1/2004, on integral protection measures against gender-based violence (hereinafter, the Integral Act). As in many other countries (Weldon, 2002), this law came as a response to a demand that was being voiced by feminist groups and organizations since the 1990s, and more vehemently since the year 2000, which called for specific legislation on the subject. These demands were encouraged by the global progress achieved with the conferences and declarations sponsored by the United Nations, namely, the Declaration on the Elimination of Violence against Women, adopted by the World Conference on

Human Rights in Vienna in 1993, and the Fourth World Conference on Women, held in Beijing in 1995 (Roggeband, 2012).

But this focus on gender-based violence, and especially on its victims, must be framed within a growing global concern for human suffering (Fassin, 2010). It is a process that places the victim in a central position in our societies (Wieviorka, 2003), and which is particularly intense in Spain (Gatti, 2014). In this country, victims have gained great importance in the media and in social, cultural, and political spaces, especially in legislation. The Integral Act, in fact, ushered in a period of enactment of “laws sensitive to populations, communities, and situations that are commonly referred to as ‘vulnerable’” (Gatti, 2014: 282), and which are focused especially on victims.ⁱ The various types of victims—victims of political violence, of traffic accidents, of natural disasters, of medical negligence, of gender-based violence...—have much in common, besides the category that contains them, but they also have some elements that are specific to each of them. This article argues that what characterizes and distinguishes victims of gender-

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ⁱ In the legislative sphere there is clear acknowledgment in Spain of the centrality of victims, through the adoption of five laws that address victims or the causes that produce them between 1999 and 2015, in addition to the Integral Act mentioned above, namely: Organic Law No. 32/1999, of October 8, 1999, on solidarity with victims of terrorism; Royal Legislative Decree 8/2004, of October 29, 2004, adopting the consolidated text of the Civil Responsibility and Safety in the Circulation of Motor Vehicles Act; Organic Law 52/2007, of December 26, 2007, recognizing and expanding rights and establishing measures in favor of victims of persecution or violence during the Spanish Civil War and the dictatorship; Organic Law 29/2011, of September 22, 2011, on integral protection and recognition of terrorism victims; Organic Law 4/2015, of April 27, 2015, on the status of crime victims. For an analysis of the victims laws, see: Gatti & Irazusta (forthcoming).

based violence in Spain is the high degree of institutionalization and resulting expertise. Spain has developed a system of prevention, awareness-raising, protection, and care around victims of gender-based violence and the causes of that violence such as is not found in any other case of victimization.

This institutionalization is framed in policies for combating gender-based violence that, while falling under the wider umbrella of equality policies (Astelarra, 2009; Bustelo, 2001; Bustelo & Lombardo, 2007), have their own, specific development. Spain's policies and programs against gender-based violence address two different issues: on the one hand, they tackle gender-based violence as "the most brutal symbol of the inequality that prevails in our society" (Spain, 2004: 42166); and, on the other, they seek to mitigate the consequences of gender-based violence, that is, they aim to protect and assist the victims produced by that violence (Laurenzo, 2008). These two approaches have given rise to a large apparatus and a multiplication of experts, who, while all being part of the same field of expertise, develop their own discursive frameworks to address this violence and apply specific practices when their mission involves helping the victims.

The aim of this text is to look critically at the discourses and practices, the knowledges and doings, of the experts who work in combating gender-based violence and of those who focus on assisting women victims in Spain. Given the wide range of apparatuses and experts—each with their own genealogy—we argue that these respond to divergent discursive frameworks and modes of practice. Victims of gender-based violence have to face this diversity of discourses and practices, performing and embodying modes of victimhood that are divergent, and even conflicting.

The article begins by discussing the process of construction of a field of experts on gender-based violence and assistance services for its victims and proposes two profiles of experts. It then analyzes the discourses and practices of three forms of expertise, focusing on how they see the victims and how the victims see themselves through them: the feminist discourse that identifies inequality as the cause of gender-based violence; the judicial space; and psychology. Women victims of gender-based violence are brought into a field where they come under different expert knowledges, discourses, and practices, which operate on them. In closing, the text posits—as a working hypothesis—that the discourses and practices of the apparatuses and experts could be producing a fragmentation of gender-based violence victims and of their identities.

2. Methodology and data

The fieldwork for this study was conducted under the "*Mundo(s) de víctimas*" [Victim(s)' Worlds] project that involved interviews with experts and victims corresponding to four cases studied: political violence; traffic accidents; gender-based violence; and stolen babies. The aim of the research project was to confront how in each case the concepts of victim and victimhood were understood, accepted or refused, and categorized both by experts and victims. Specifically for the case of gender-based violence, a total of 27 semi-structured interviews were conducted in the Spanish regions of Galicia and the Basque Country between April 2012 and November 2013: 16 with experts on gender-based violence or who provide assistance to victims of such violence, and 11 with 19 women who had suffered abuse from a current or former partner.

The experts were selected based on a triple typology:

- Government agents: political and technical officers from regional and/or local government with a specific focus on those who work in judicial positions. We interviewed one politician responsible for gender-based violence policies in the Basque Country region, two prosecutors, one forensic expert, and two technical officers of the court service for victims.
- Intermediary agents: personnel from organizations and consultancy firms that implement programs for combating gender-based

violence or provide legal aid and psychological assistance to victims. We interviewed two lawyers, two psychologists, one social worker, and three directors or technical officers of national organizations and consultancy firms: one focused on legal aid, another on general attention to victims, and a third on education against gender-based violence.

- Feminist and women's rights activists. Two feminist activists were interviewed, one of whom is also a consultant for Amnesty International.

The nineteen victims who were interviewed had suffered abuse at the hands of their current or former husbands or partners, thus falling within the Integral Act's definition of gender-based violence and its target population. The women had diverse social backgrounds (lower to middle class) and ages (ranging from 17 to 55); one woman was an immigrant; not all of them had children (15 had children, 4 did not); and the duration of their relationships was also varied (from 3 years to almost 30). They also had diverse histories in terms of violence: some had reported the violence they suffered, others had not; some had a short history of abuse while for others it had been much longer; not all of them had suffered recurring abuse; some had pending legal actions against their abusers; some have become active in associations; etc. Given the interest in addressing both the situation of the women and the institutional apparatuses, all the women selected for interviews have been in contact and connected with the institutional apparatuses and experts put in place to assist them (judiciary, police, lawyers, social workers, psychologists...).

Most interviews with victims were arranged through contacts with associations of women victims, which have been recently formed. It was not possible to arrange interviews through the apparatuses created to assist and protect these victims, as the officers involved fulfill their mandate of protecting the victims so well that they refused to provide us with any contacts, not considering the potential empowerment benefits that the interviews could have for the victims (Borges-Proctor, 2015). They voiced their refusal in this sense even when we did not ask for such information. A note from our field notebook illustrates this eloquently:

In one of the first contacts with an association that provides assistance to victims of gender-based violence, which I telephoned looking for experts to interview, at the mere mention of "gender-based violence victims" I got a heated reaction from the person on the other end: "We don't give out contact information for victims! It's a question of professionalism!" (Field notebook, Bilbao, 03/20/2013).

In addition to the interviews with experts already mentioned, the field work included ethnographic assessments in courts that hear cases of violence against women. This involved observing 17 trials in Madrid and Bilbao between April and June 2013 and recording in the field notebook the data gathered there. The work was complemented with a detailed analysis of the Integral Act itself and an examination of the Spanish literature available on it (Calvo, 2006; Larrauri, 2007; Laurenzo, 2008; Osborne, 2008).

3. Experts in the face of women victims: A unique form of expertise?

Equality laws and programs implemented at the state, autonomous, and local levels with actions that address gender-based violence, laws and plans implemented at the various levels of government (state, autonomous, local) specifically targeting gender-based violence and providing assistance to its victims, protocols for coordinating work among officers mandated with protecting victims and sector protocols for other agents or practitioners (police, healthcare), observatories for monitoring violence against women, etc., are all ways of acting on and influencing populations and issues. They fall under what Foucault

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