

# DOMESTIC VIOLENCE AND HUMAN RIGHTS. AN ANTHROPOLOGICAL VIEW

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## Abstract

Over the past forty years domestic violence has evolved from a taboo subject, regarded as a private or family matter, into a health and legal global problem which is fiercely debated. According to feminist scholars and legal anthropologist, although the existence of appropriate legislation is a positive steps, yet the laws offer not concrete guarantee. In paying a special attention to the major connection between domestic violence and human rights, the paper will try and discuss the anthropological interpretation of current data, juridical aspects and outcomes of fieldwork carried out in Italy, Kerala (South-India), Tanzania and Zambia.

**Keywords:** domestic violence; human rights; feminist legal theory; legal anthropology.

## Resumé

### **La violence domestique et les droits humains. Un point de vue anthropologique.**

Au cours des quarante dernières années, la violence domestique a évolué: d'un sujet tabou, considérée comme une affaire privée ou familiale, est devenu un problème sanitaire et juridique mondial âprement débattu. Selon les universitaires féministes et les anthropologues du droit, même si l'existence d'une législation appropriée est une des mesures positives, les lois n'apportent toujours pas une garantie complète. Grâce à une connexion principale entre la violence domestique et les droits humains, l'article est axé sur un'interprétation anthropologique des données actuelles, des aspects juridiques et des résultats des travaux effectués sur le terrain en Italie, Kerala (Inde du Sud), Tanzanie et Zambie.

**Mots-clés:** violence domestique; droits humains; théorie juridique féministe; anthropologie du droit.

## Resumo

### **A violência doméstica e direitos humanos. Uma visão antropológica**

Nos últimos 40 anos a violência doméstica deixou de ser um tema tabu, considerada como uma questão privada ou familiar, para ser vista como um problema global de saúde e jurídico, intensamente debatido. Segundo as/os acadêmicas/os feministas e antropólogos/os do direito, embora a existência de legislação adequada seja um passo positivo, as leis, por si, não oferecem garantias concretas. Focando-se na importante ligação entre a violência doméstica e os direitos humanos, este artigo procura discutir a interpretação antropológica dos dados atuais, aspectos jurídicos e os resultados de um trabalho de campo realizado na Itália, Kerala (Sul da Índia), Tanzânia e Zâmbia.

**Palavras-chave:** violência doméstica; direitos humanos; teoria do direito feminista; antropologia legal.

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## Introduction

Violence against women is not a new phenomenon, nor are its consequences to women's physical, mental and reproductive health. What is new is the growing recognition that acts of violence against women are not isolated events but rather form a pattern of behaviour that violates the rights of women and girls, limits their participation in society, and damages their health and well-being. Actually the most astonishingly widespread, serious and insidious form of violence against women is domestic violence (WHO, 2013; [domesticviolence.org](http://domesticviolence.org); Bartolomei, 2013).

«Domestic violence» is a very broad concept indicating a general phenomenon inside the house including violence against parents and children, and also violent acts between family members. Although both men and women can be abused – women also commit violence either against men, or against other women –, most victims are women (Morse, 1995; Tjaden and Thoennes, 2000; WHO 2013). Accordingly, my paper will deal with the question of violence by men against their female partners as the predominant form of gender-based domestic abuse.

Women's organizations worldwide have long drawn attention to violence against women and to intimate partner violence in particular. Through their efforts, this social pathology initially viewed largely as a human rights issue, has now become a question of international concern, more and more globally acknowledged as a public health problem and a development issue, with severe consequences to economic growth (WHO, 2013). Consequently, over the past forty years domestic violence has evolved from a taboo subject, regarded as a private or family matter of no concern to the police or to the criminal justice system, to a social and legal global problem which is fiercely debated in the public arena and in the context of criminal policy (French *et al.*, 1998).

The existence of appropriate legislation is crucially important in raising people's awareness, in preventing and combating domestic violence (EESC, 2012). Nevertheless, even if laws who criminalize gender-based violence are positive steps, the point is that they offer no concrete guarantee: all over the world, even where laws are in place, the prosecution of perpetrators is rare, and successful prosecutions uncommon. In actual fact, despite this increasing awareness, abuses often remain largely hidden, and their extent is greater than the statistics would indicate.

As a result, after more than thirty years of feminist legal theory and jurisprudence, socio-legal scholars and researchers continue to debate patriarchal culture and its value-based influences on the nature and/or application of the law, and scenarios for a prospective agenda enabling effective women's empowerment (Fredman, 2011).

The aim of my paper is twofold. On the one hand, I would like to stress how an anthropological approach can contribute to a greater understanding of the

problem of domestic violence, its causes and consequences. On the other hand, given the major connection between domestic violence and human rights, I will draw attention to how this link raises awareness regarding the inevitable tension between universal principles and local meanings.

I discuss some statistical data from around the world and empirical evidence, as well as juridical aspects and the anthropological interpretation of both. In this context I will report some outcomes of my fieldwork carried out in Italy, Kerala (South-West India), Tanzania and Zambia, paying special attention to the Italian situation. In Italy, indeed, recently we have been witnessing an increase in reported abuses and femicide. I have gathered about 300 in-depth interviews with women living in four different countries: 145 in Italy (80+65 immigrants) starting from January 2008; 60 in Kerala (November-December 2004); 50 in Tanzania and 45 in Zambia (July-August 2011).

Informed by current literature on the topic, and using a variety of qualitative methodologies such as participant observation and ethnographic interview, my cross-cultural research aims to a better understanding of how rights operate in social life and are shaped by wider cultural forces.

### **A glimpse at the extent of the problem**

From the current data two specific matters of concern have emerged. The first one is that domestic violence, in its differing forms, is a global phenomenon, which cuts across cultures and nations. It can affect the female population worldwide with estimates varying from 20 to 50 per cent from country to country, and at least one out of three women in their lifetime, regardless of race, age, sexual orientation, religion, social class, disability or lifestyle (WHO, 2002; 2013). It can take many forms, including physical aggression or assault, sexual abuse, economic deprivation, emotional and psychological abuse, whether occurring in public or in private (WHO, 1996). Besides, it is neither necessarily triggered by circumstances such as the pressures of unemployment or living in poverty, or issues like mental illness, alcohol or drug abuse; nor its underlying causes can be found in a particular economic, cultural or political system.

A number of studies and surveys have revealed that every 9.15 seconds in the United States one woman is beaten by her husband or partner, and that battery is the greatest single cause of injury among American women, accounting for more emergency room visits (over one million per year) than car accidents, muggings and rapes combined (NCADV, 2013; NISVS, 2011; Tjaden and Thoennes, 2000). At present one woman is killed every week in Australia by a current or former partner (Australian Bureau of Statistics). In Brazil five women are attacked every two minutes and an average of ten women a day are killed by a relative male; abuses take place both in *favelas* and in the rest of the city (Perseu Abramo Foundation, 2011; www.unwomen.org). About 80% of the women sam-

pled in Tanzania and Zambia and 65% in Kerala indicated that they had been beaten or abused. Evidence also suggests that male partners are responsible for 40-70% of female homicides worldwide (UNODC, 2011; WHO, 2012; 2013).

In Italy the latest figures suggest almost seven million women were victims of violence in 2006 and at least one in four women still experiences domestic abuse over their lifetime (ISTAT<sup>2</sup> Report, 2007; ONVD, 2013). In addition, 127 women in the year 2010, 150 in 2013 and almost 130 women in 2014 have been killed by their partners or former partners! This means that, on average, every two or three days a woman is killed because she is female. It is also estimated that there are between ten and fourteen domestic abuses a year labelled as «honour crimes», and between ten and twenty murders labelled «honour killings», among both local and immigrant people (Colombo, 2011; Huges, 2007).

Out of a sample of about 1,500 women who during 2012 called the *Telefono Rosa*<sup>3</sup>, 82% reported having children who systematically witnessed the abuses. Actually, the negative behavioural and psychological effects and consequences on children of exposure to domestic violence, namely the so-called «witnessed abuse», are largely underestimated (Bartolomei 2014). Additionally, growing up in such an environment often entails learning the ways of violent and abusive relationships, so that assimilated violence and coercion become normal and justifiable (Bushman and Huesmann, 2006), and abusive tactics effective ways of getting what you want (Stiles, 2002).

Research suggests that various types of abuse generally coexist in the same relationship, and abusers can use many tactics to exert power over their partner: dominance, humiliation, isolation, threats, intimidation, denial and blame. Physical violence is almost always accompanied by emotionally abusive and controlling behaviour (Tjaden and Thoennes, 2000; WHO, 2013): moral and/or psychological mistreatment is the first step in the context of an ongoing abusive relationship which can frequently reach severe and escalating forms of violence such as battering or femicide.

Beyond injury and death, victims of intimate partner violence are more likely to report a range of acute and chronic mental<sup>4</sup> and physical<sup>5</sup> health conditions (Black, 2011; Campbell, 2002; WHO, 2013), which may be aggravated because the abuser may not allow them access to adequate medical care (Perrone, 1992).

<sup>2</sup> ISTAT (Italian National Institute of Statistics) is a public research organisation present in Italy since 1926.

<sup>3</sup> A call-centre and a service site aiming to help abused people.

<sup>4</sup> Low self-esteem, depression, post-traumatic stress disorder, chronic generalized pain, conflicting emotions such as fear, anger, shame, resentment, sadness and powerlessness, a higher risk of alcohol and drug abuse, eating disorders, sexual acting out, running away, sleep disturbance and suicide (Stark, Flitcraft, 1996; WHO, 2013).

<sup>5</sup> Lacerations, bruises, broken bones, head injuries and internal bleeding, heart disease, gastrointestinal disorders, headaches, fainting, seizures, gynecological problems, and so on.

I would like also stress the significant social and economic impact of domestic abuse on victims: often they lose their jobs because of absenteeism due to illness as a result of the violence, and they may be isolated from friends, family and neighbours, and thus losing their network of social support, too. For all these reasons the estimated direct and indirect, human and monetary total cost of domestic violence to individuals, households, governments and society is really huge (ISTAT 2007; WHO, 2013).

Another extremely worrying question is that domestic violence is one of the most chronically underreported crimes to both national and local associations and especially to the police (Tjaden and Thoennes, 2000). Let me refer to the Italian situation, as an exemplary one. As I have already stressed (ISTAT Report 2007), in Italy partners are responsible for the highest number of all kinds of physical abuse. All kinds of abuse are always quite serious, but only 18,2% of the sample (25,000 women aged between 16 and 70 years) regarded it as a crime, 44% of the women interviewed though it was just something wrong and 36% simply something that had happened. Figures show that only 7,3% of incidents were reported to the police, whereas more than one woman in three had remained totally silent about being wronged. Data from the *Cooperativa Sociale Cerchi d'Acqua*<sup>6</sup> is also undoubtedly shocking. Starting from 2000, a variety of abuses were reported to the Association: psychological 91%; physical 67%; economical 28%; sexual 20% and stalking 17%. But no more than 26% of them were reported to the police and only 6% of them are sexual abuses. Furthermore, during my fieldwork in different social contexts, I was amazed that everywhere more than 80 per cent of the sample confided to me that, until they were interviewed for my study, they had never told another person about the abuse.

Additionally, despite a high percentage of victims who visit emergency rooms for treatment, health officers used to underreport cases of domestic violence, because they did not know how to handle the issue, treating the problem observed as an isolated case.

Recent figures suggest that, although unreported, many cases of intimate partner violence are not always invisible to the social environment surrounding the victims (friends, family, neighbours, social services, public health sector, etc.). Thus, the reasons are not only a matter of ignorance, but also a matter of social silence, tolerance and inhibition (people know, but choose not to tell or help) (Gracia, 2004). It is worth mentioning that 46% of European Union citizens think that the provocative behaviour of women is a cause of domestic violence against women (Eurobarometer 51.0, 1999). Being held responsible for their own victimization significantly reduces the chances of receiving help, and contributes to creating a climate of acceptance and reticence that reduces inhibitions against vio-

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<sup>6</sup> An important centre set up in 2000 with the aim of helping women overcome the trap of violence, protecting their confidence and privacy and operating without disapproval or blame.

lence, making it more difficult for women to come forward, and promoting socially passive behaviour (Gracia, 2004).

Police members also point out that the affection felt by the victim towards her aggressor could outweigh her desire to leave him. It is very common, indeed, for women to come back after awhile to withdraw the accusation, because they have got back together with their partner, or because he has begged for forgiveness.

Consequently, the hidden figure (so-called «dark number») it is estimated to be around 92 per cent of cases. This clearly suggests that we are not dealing very well with this huge problem.

### Legal intervention

After more than 30 years scholars and activists in the field of intimate partner violence continue to help raise public awareness of the problem and the demands for efficient, incisive legal interventions on both national and international levels.

The Convention on the Elimination of All Forms of Discrimination against Women adopted by the United Nations General Assembly in 1979, and the Convention on the Rights of the Child (1989), both reflect this innovative consensus. In 1993 the UN General Assembly adopted the landmark legally binding DEVAW (Declaration on the Elimination of Violence against Women), which is considered a major expression of political will specifically addressing VAW (Violence Against Women). Giving a clear, accurate and exhaustive definition of gender violence<sup>7</sup>, it was the first real international legal intervention depicting such violence as neither casual nor indiscriminate, but as one perpetrated against women as such. Besides, by encompassing sexual, economic, psychological and moral abuse, it referred to domestic violence of any kind and explicitly criminalized it. Later on, the global gender equality roadmap, the Beijing Platform for Action on Women, Development and Peace (1995), condemned VAW and outlined specific steps governments can take to end it. In 2003, the Maputo Protocol which guarantees comprehensive rights to women, including the right to take part in the political process, to social and political equality with men, and an end to female genital mutilation, was officially adopted by the African Union.

Thus, civil society and governments have progressively acknowledged that VAW is a public health and human rights concern (Brunch, 1990). In this regard, the essential role played by NGOs – Amnesty International in particular – in the

<sup>7</sup> Any act of «gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life». General Assembly Resolution 48/104 (20 Dec 1993: 2).

social construction (and then in the legal classification) of domestic violence against women as an attempt against human (woman) dignity and health is worth mentioning. Work in this area has resulted in the establishment of international standards, but the task of documenting the magnitude of violence against women and of producing reliable, comparative data to guide policy and monitor implementation has been exceedingly difficult. The 2005 World Health Organization Multi-country Study on Women's Health and Domestic Violence against Women aimed to be a response to this difficulty. More recently, as stated in 2011 by the Istanbul Convention (Art. 3), violence against women is increasingly considered not only a human rights violation, but also a form of discrimination against women.

Currently the number of countries which explicitly criminalize domestic violence in their Primary Legislation is growing: legislation against domestic violence has been enacted in more than 125 countries around the world and, in countries that have not enacted specific laws, it may be possible to prosecute offenders under more general criminal statutes (OXFAM, 2013).

Spain was the first European country to approve comprehensive legislation aimed at eradicating violence in couples and families. Its legislation, adopted in 2004, set a precedent in Europe. Then we had: the United Kingdom «Domestic violence, Crime and Victims Act» in 2004; the Italian Criminal Code excerpts approved in 2005; the French Parliament Law n. 2006-399; and so on. In the United States the Violence Against Women Act was approved in 2005. The Brazilian government in 2006 approved a law with the symbolic name «Maria da Penha Law on Domestic and Family Violence».

In the Italian Penal Code, domestic violence is not included as an explicit crime on its own. Therefore, to prosecute the behaviour labelled as domestic violence, lawyers need to make use of other types of crime, and to appeal and refer to a set of legal paradigms and rules both general and specifically<sup>8</sup> enacted to fight gender violence (Bartolomei, 2014).

Nonetheless, progress until now has been slow because, to some extent, effective strategies to address domestic violence are still being defined, and often states differ on the type of relationship that qualifies under domestic violence laws. Most countries, for example, require the perpetrator and victim to be current or former spouses, living together, or to have a child in common, whilst others specifically exclude same-sex relationships in their domestic violence laws.

The current definition of domestic violence is very broad, and may comprise a number of different behaviours and consequences, but not all forms of domestic violence are illegal; some kind of emotional abuse, for instance, are not defined as crimes.

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<sup>8</sup> Specific rules are: Law n. 66/1996 on sexual abuse and violence; Law n. 154/200 contrasting abusive relationships; Art. 612 bis It. Penal Code which punishes the crime of stalking.

Finally, the problem is not so much the law as its application. In reality, attitudes are deeply entrenched and the lack of reporting of cases of violence is still a large obstacle.

### **An anthropological view**

Anthropology, as a social science, has a comparative approach which emphasizes the variance in human behaviour, and the significance of culture in the explanation of this multiplicity and difference of conduct, ideas and moral standards. Anthropology sees law as contested, hybridized and dynamic, as a cultural issue that displays the interaction between discourse (rule of law), practice and symbolic thought, beliefs and values (Rouland, 1992). Consequently, a legal anthropological approach aims especially to point out the social constructing character of common thinking and laws and is always rather critical towards widespread ideas, general belief and popular opinion as broadcast by the media.

Dealing with the first of these issues, I would like to draw your attention to the consideration that, although in 2001 the World Health Organization published guidelines for defining and measuring partner violence and sexual assault to help improve the comparability of data, statistics still may be, and often are, misleading, either in collecting data or in interpreting it. Because of both methodological and cultural differences, the prevalence, forms, severity, circumstances and legitimacy of violence against women are clearly cross-culturally variable. Reported estimates of abuse are highly sensitive to the particular definitions used, the manner in which questions are asked, the gender bias, the degree of privacy in interviews and the nature of the population being studied (Ellsberg *et al.*, 2001). Besides, prevalence studies of domestic violence are a new area of research, and data on the various types of partner violence other than physical abuse (more easily conceptualized and measured) is generally not yet available; whilst qualitative studies suggest that some women find the psychological abuse and degradation even more intolerable than the physical violence (WHO, 2002; 2013).

As a result, to speak about domestic violence in a conceptual way alone, detaching behaviours from a specific social, economic and cultural context can bring about naive and fallacious explanations. For instance, how can we say that we have 35 per cent of cases (WHO, 2013) of domestic violence either in Italy, or in the USA, or in Tanzania, or in Brazil? In reality – as I have frequently verified during my fieldwork –, the meaning that one can give to the concept of violence differs from the significance which it has for people belonging to other cultures and traditions worldwide. And this diversity concerns both the importance given to the conduct and the content of the expression itself.

Humanitarian activists, for example, as well as the powerful associations of women lawyers which operate both in Tanzania and Zambia, consider domestic violence as a consequence of much more significant and deeper gender differ-

ences and discrimination. In this regard, it can be worth mentioning that in many countries women still do not enjoy fundamental rights such as education, health, nutrition, active and passive vote, inheritance, land and property ownership. Also, when a state law exists which explicitly recognizes these rights to them (in theory), then in practice they are systematically denied. Additionally, compared with other more serious major problems such as famine, poverty, lack of drinking water or health care, epidemics, war, and so forth, the issue of domestic abuse is often disregarded and put aside.

Addressing the topic of unreported violence, we have seen that surveys around the world estimate an extraordinarily large number of missed reports to the police. Even though, estimates about how much domestic violence is not reported vary widely, this problem is believed to be substantial. Here anthropology could help in finding, beyond the differences, a «universal» feature structuring gendered male-female relationships, and so at the bottom of domestic violence.

According to current studies and research which try to further understand why victims are prevented from reporting their attacks, there are crucial factors such as economic dependency, victim blaming attitudes, weakness, breaking the family unity, fear of public exposure, privacy and embarrassment, lack of confidence in the legal system and the police force, and even fear of retaliation. It is not by chance that about 85% of interviewees worldwide think women who report violence committed by their partners are in greater danger of being murdered. Furthermore, the extreme variety and fragmentation of the legal landscape, the inadequacy of investigations, the deficiency of exemplary punishment and compensation to victims, surely contribute to create a climate of social silence and invisibility.

In this regard, my outcomes seem to highlight that missed reports mostly depend on lack of legal awareness, that is, on ignorance about the legal qualification of a given behaviour. The majority of interviewed women, in fact, were not aware of existing laws which protected them. And this happened during my fieldwork not only in Africa or in India, but in Italy, too.

Legal anthropologists point out that laws are without a doubt an important step forward, but also highlight the need for changes to be made at a deeper socio-cultural level, structurally relevant to gender relations. A wide range of studies from both industrialized and developing countries have produced a remarkably consistent list of events that are said to trigger partner violence (WHO, 2002). Nonetheless, feminist scholars propose an understanding not only of the occurrence and justification of male-perpetrated intimate-partner violence, but mainly of its etiology, considering this a crucial first step toward successful intervention and eventual reduction of violence against women.

According to my findings, every situation is unique, yet there are common factors. As a matter of fact, past feminist analyses stated that male-perpetrated domestic violence is not a byproduct of underlying deficits, but is inflicted strate-

gically and intentionally, to exert power and control (Walker, 1994). In refining these theories Wilson and Daly (1993) hypothesized that domestic violence is about controlling women, but that it is specifically about controlling women's sexuality (Buss and Malamuth, 1996). Among anthropologists there is also broad consensus in underlining that at the core of gender policies and habits, in addition to significant contextual factors, there is always the theme of the reproductive power of women (linked to the uncertainty of male paternity). Currently, that sexual jealousy is a key factor in domestic violence is supported by the evidences that the majority of femicides are precipitated by a man's suspicion of his partner's infidelity or her intention to end the relationship (see Buss, 2000, for a review of the literature). Many studies have tried to show that men tend to control women's behaviours not because of a natural instinct or inborn inclination, but rather to have free access and enjoyment of sexual, procreative and emotional advantages (Jackman, 1994).

Consequently, younger women are at greater risk of domestic violence than older women, both for their higher reproductive value and for their greater weakness and shyness (Peters *et al.*, 2002). Arguably, this «weakness» is even more evident among immigrant women, whose culture and religion dictate silence anyway (Shetty and Kaguyutan, 2002), not to mention the serious discriminating conditions of jailed women (Buchanan, 2007).

So it is clear that gender-based violence occurs mainly because of socio-cultural reasons. The lack of awareness of imbalanced power relations for men and women in society, in reality is so deeply embedded in our self-identity and consciousness, that we are inclined to consider «natural» what is instead «socially fabricated». The impact of culture on human behaviour is often underestimated precisely because it is so powerful, recurrent and entrenched.

It is not by chance that abused women whom I personally interviewed insisted in affirming that the greatest problem is a cultural one: a still prevailing patriarchal and sexist culture grounded in deep rooted beliefs and attitudes, which not only hide and legitimize violence against women, but even stigmatize and blame victims who report violence. Even when victims decide to leave their abusive partner, the lack of opportunities and of adequate health care, as well as of detaining policies and of support centres, is a way to keep them in a discriminating and subordinate position (Sultana, 2010-2011).

Speaking about the juridical issue, we witness an actual inadequacy and inefficacy of both national and international legal interventions. As I said before, a legal anthropological approach tries to understand the cultural reasons why laws are ineffective.

Obviously I cannot analyse here the entire legislation regulating the topic, yet I would like to point out that the rationale of legal classification, and thus of criminalization, of behaviours which in the past were considered as natural and normal, or which however were tolerated, today essentially lies in the human rights moral principles and norms. Indeed, when domestic violence threatens or

affects a woman's physical, mental and sexual integrity, nowadays this is considered by western culture as a total, undeniable human right violation: «the right to live and to physical and psychological integrity» (EESC, 2012). Nevertheless, in referring to human rights, we have to deal at least with two important implications. The first one is that the claim to the universality of human rights is still in question (Donnelly, 2007; Ignatieff, 2001). Several authors, in fact, consider the statement that human rights are a universal concepts as another way to establish global intellectual and cultural hegemony by imposing Western notions of rights under the guise of universalism. The political and cultural movement of so-called «Asian values», in particular, stresses that some aspects of Asian cultures influenced by Confucianism are opposite to the Western emphasis on the individual. Asian values as a political doctrine have been certainly used for various ideological, economic and political purposes. Yet the broader discussion on human rights concepts and international human rights law is still fervent and widespread, even among scholars following the Third World traditions (Tiyambe Zeleza and McConnaughay, 2004).

The last aspect to reflect upon is the consideration that the emergence of a «law of human rights» adds a kind of «meta-legal» norm to the existing legal norms. Fundamental human rights are not a statutory law, but typify a normative framework that rises above individual legal orders and is featured from a collection of multiple and diverse landmarks, grounded in a kind of modern «natural law» (Bix, 2004). Natural law is a method – not a code – related to a set of anthropological, philosophical and moral principles, values and rules which are self-evidently and intrinsically worthwhile: the so-called «basic human goods», such as human life, freedom of choice and self-fulfilment. Thus, natural law cannot be defined in the same way as positive law: there is no right answer, but many possibilities of choice. In reality, human rights indicate a normativity defined by extralegal values: its meaning is not determined intrinsically by the legal text, but from time to time by reference to the context. Hence, even when we formally agree with the theoretical human rights construction and denunciation, then in practice their contents inevitably differ depending on the socio-cultural context of their effective and concrete achievement. Let me take as an illuminating example the female genital mutilation/alteration phenomenon: for Western culture it represents a clear pattern of violation of the right to physical integrity, whereas for people who practice it, it is an expression of feminine cultural traditions, gender and group identity and membership. Therefore, speaking about human rights, the point is that one has to take account of local domestic conditions in the implementation of international conventions.

So, the awareness of all cultural aspects involved seems necessary to an understanding of the various ways in which gender roles and representations produce and reproduce visions, concepts, stereotypes, perceptions and practices of inequality and discrimination.

To sum up, we cannot deceive ourselves that we can solve such a huge

problem only by legal regulation and criminalization: to qualify a behaviour as unlawful is not enough to eradicate it from the mentality of the people and their everyday life. Evidence rather suggests the need to address the economic and socio-cultural factors that foster a culture of violence, especially against women. This also includes the importance of challenging social and legal norms that support male authority and control over women, and condone abuses; as well as the need for a public education effort to increase the level of social responsibility by promoting coordinated actions at individual, community, national, and international levels.

«Domestic violence is a complex problem which may take place within very different societal contexts. There is no one strategy that will work in all situations, since the degree to which a community sanctions it will naturally influence the kind of strategy needed. Besides, considering the interconnections between the factors responsible for domestic violence – gender dynamics of power, culture and economics – strategies and interventions should be designed within a comprehensive and integrated framework» (Bartolomei, 2014: 259).

After all, the variation in the prevalence of violence seen within and between communities, countries and regions, highlights that violence is not an inevitable, natural phenomenon based in gender inner essence, rather it is a social construction which as such can be prevented and, we hope, even eradicated.

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