

**Global Gender-based Violence Against Women
as a Matter for Global Justice Theory:
Pervasive Patriarchal Structures and Responsibility for Harm**

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Abstract

This thesis introduces violence against women (VAW) as a legitimate concern for the mainstream global justice discourse. It aims to combine the conceptual frameworks of feminist theory and research on VAW, and of theories of justice in political philosophy. It conceptualises VAW as the outcome of global gender injustice drawing on Iris Marion Young's (2011) concept of structural injustice and Thomas Pogge's (2008) theory on global justice and notion of institutional human rights.

Scholarship in VAW has for decades recognised and shown the role not only of direct perpetrators, but also of institutions and of society more broadly in the violence continuously perpetrated against women worldwide. Feminists identify both national and international institutional responsibilities related to VAW and its causes, which were also articulated in international conventions and declarations. This thesis seeks to advance theory-construction to provide normative justifications for these responsibilities as moral requirements of justice.

The thesis provides an overview of the empirical realities of VAW, and the root-causes and preventive strategies identified by global VAW-research. It shows that VAW is gender-based in a strong sense: it is motivated by and seeks to enforce hierarchical gender norms and roles. The thesis presents key concepts from feminist theory and philosophy that explain the relationship of VAW, gender, and patriarchal structures. It then suggests that the background conditions that feminists are concerned with, and from which VAW arises, can be usefully theorised with the use of Young's and Pogge's approaches, also integrating Charles Mills's (2010) interventions. On the basis of these, the thesis proposes a framework to map the roles and responsibilities of various kinds of agents in maintaining pervasive gender-unjust structures that (re)produce VAW and provides a preliminary typology of agents and duties/responsibilities.

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I cannot pass on without acknowledging the recent allegations of sexual misconduct against one of the authors whose work I heavily draw on in the endeavour to theorise violence against women as a matter of global justice. The irony is not lost on me.

I can only say that I hope this thesis will become one of many works in this discipline that keeps this issue on the agenda, and shows why the conduct he and various other high-profile philosophers have been accused of is morally unacceptable, that the institutional frameworks in place are complicit and inadequate, and that this is a matter of justice that we have to keep addressing.

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List of abbreviations

BDPA: Beijing Declaration and Platform for Action

CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women

EU: European Union

EWL: European Women's Lobby

FRA: Fundamental Rights Agency (of the European Union)

GEF: Global Economic Forum

ICC: International Criminal Court

IPV: Intimate partner violence

IPVAW: Intimate partner violence against women

IR: International Relations

ITU: International Telecommunications Union

LGBTQIA: Lesbian, gay, bisexual, trans-sexual, queer, intersex, asexual

LSHTM: London School of Hygiene and Tropical Medicine

OHCHR: Office of the High Commissioner for Human Rights (UN)

SAMRC: South African Medical Research Council

SV: Sexual violence

SVAW: Sexual violence against women

UN: United Nations

UNESCO: United Nations Educational, Scientific and Cultural Organization

UNGA: United Nations General Assembly

UNIFEM: United Nations Development Fund for Women

UNODC: United Nations Office on Drugs and Crime

US: United States (of America)

UNSC: United Nations Security Council

UNSD: United Nations Statistics Division

VAW: Violence against women

VAWE: Violence Against Women Europe

WHO: World Health Organization

ea.: emphasis added

np.: no pagination

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1. Introduction

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1.1 Introduction

Gender-based violence against women is a globally prevalent phenomenon with countless victims. The World Health Organisation (WHO) estimates that more than one in three women in the world experience physical and/or sexual violence by a partner, or sexual violence by a non-partner during their lifetime (WHO, 2013; WHO-LSHTM-SAMRC, 2013). Next to intimate partner and sexual violence, there are harmful practices prevalent in particular regions and communities, such as female genital mutilation, currently affecting more than 200 million girls and women and approximately another 3.5 million each year (UNICEF 2010; 2016). Owing to governmental shortfalls in collecting and supplying data, methodological challenges including the use of varying definitions (similar to the statistical challenges in measuring global poverty), and the complex and delicate nature of the subject, there is no ultimate statistic indicating the total number of women victimised by gender-based violence globally (UN, 2014; UN, 2015a). Even in the absence of precise numbers however, it is clear that violence against women (VAW) affects a significant proportion of the world's female population. This thesis seeks to introduce this issue as a legitimate concern for the mainstream global justice discourse.

Few theorists would question that VAW is wrong or harmful. My concern is to highlight that it is a harmful wrong of a particular type: a global social wrong produced by unjust structures, and hence a matter of (global) justice. Thus, I propose some ways in which it can be conceptualised as such. In this endeavour, I bring together various fields' empirical findings and theoretical frameworks. Most importantly, I draw on VAW-research, feminist philosophy, feminist sociology, -legal and -international relations theory, critical race theory, and strands in

mainstream global justice theory that, on the basis of the problem's character as identified by VAW-research and feminist analyses, seem to provide promising bases for theory-construction. This chapter gives a brief overview of the central arguments of the thesis and of what gaps in the literature have motivated this research, clarifies some basic terms, addresses the challenges inherent in talking about global social problems in a diverse world, and introduces the structure of the thesis.

1.2 Violence against women as an outcome of globally prevalent, pervasive structural injustice

The main argument of this thesis is that the existence of global VAW is an outcome of global structural gender injustice upheld by various types of national and international, individual and collective, unofficial and official agents whose responsibilities and duties can and should be scrutinised using the conceptual tools of justice theories centred on structurally reproduced harmful wrongs. In particular, I draw on Iris Marion Young's (2003; 2004; 2006b; 2011) concept of collective political responsibility and Thomas Pogge's (2001a; 2001b; 2004; 2005; 2007; 2008; 2010a; 2010b) concept of institutional human rights to sketch a preliminary typology of different agents' duties and responsibilities in the reproduction of VAW and the underfulfilment of women's human right to security, which occurs through the maintenance of gender and gender injustice more broadly.

On the basis of empirical research on the motivations and patterns underlying VAW globally, feminist theory on VAW and patriarchy, and Charles Mills's (1997; 2010; Pateman and Mills 2007) interventions regarding the social ontology of gender and race, I argue that the root-cause of VAW is gender understood as the construction of hierarchical social categories on the basis of sex, and the norms and roles attached to these categories. I explore the role of the various agents involved in the reproduction of VAW on various causal stages. To distinguish these stages, I borrow a terminology from the public health literature on VAW, which identifies three "levels of prevention". I reinterpret these levels as three stages of involvement and causation, arguing that the current setup and the conduct of the agents implied amounts to causal involvement rather than mere non-prevention or non-intervention on the three levels. Insofar as VAW is gendered and

gender-based in the above sense, I posit that we can distinguish the stage of tertiary causation (direct causal involvement in particular cases of violence); secondary causation (semi-direct causal involvement in particular cases where violence has not yet occurred, but is likely); and primary causation (indirect causal involvement in maintaining the root-causes reproducing the widespread phenomenon of VAW and women's insecurity).

I posit that gender, gender injustice and patriarchal structures are of a pervasive nature, maintained on the micro-, mezzo- and macro levels and through the accumulation of minor interactions as well as wider processes and institutional frameworks. Accordingly, I argue that VAW is reproduced on the primary causal stage by participants on all structural levels in the social, global-social, and global structure. That is, everyone, from private individuals through organised collective agents to states and international institutions, has some type of responsibility or duty by virtue of maintaining the root-cause of VAW and thus reproducing VAW. I develop a framework to identify the type of duty/responsibility corresponding to various types of agents on the basis of (1) the causal role of the agent on the primary/secondary/tertiary stage, (2) the agent's capacity to exercise coercion, (3) whether the agent can reasonably be expected to be aware of its contribution, and (4) the agent's intent. On the basis of this framework, I sketch a preliminary typology of responsibilities and duties corresponding to different kinds of agents.

I focus in particular on official agents (states and state-legitimised international institutions) on the one hand, and individuals on the other. Neither the former's, nor the latter's change of conduct in a way that they no longer participate in the upholding of VAW-producing structures would be alone sufficient to stop the reproduction of VAW, but each is necessary. I argue that the duties/responsibilities of each type of agent is different owing to the role they play in upholding the unjust structure, and owing to the difference in whether they have the power to use legitimate force and corresponding special duties. Official agents have the power to coercively impose institutions and have a negative duty to refrain from imposing institutions, laws, policies and institutional frameworks that contribute to structures producing harmful outcomes to those subjected to them. Individuals have a collective responsibility to work together for changing the social structures in which they participate so that these become (more) just and cease to result in suffering for a large number of people.

1.3 Contribution to the field

Scholarship in VAW has for decades recognised and demonstrated the role of not only individual perpetrators, but also social and political structures and institutions underpinning the violence continuously perpetrated against women worldwide. Gender-based VAW is not merely a common phenomenon, like accidents, illnesses or general crime¹; it both stems from the wider context of gender inequality, and contributes to maintaining it. The body of research on the issue focuses largely on the social level: social structures, social norms, and national or regional institutions. Since the late 1990s, research in VAW and gender has seen a proliferation of studies taking an intersectional approach, examining very specific local contexts, studying the complexities of gender, sexuality and VAW in smaller sub-groups within societies (Meyer and Prügl, 1999). Before the rise of this trend, the 1980s and early 1990s were characterised by a strong upsurge in global feminist activism and scholarship, resulting in the adoption of several key international conventions, such as the CEDAW Convention in 1981 and related general recommendations in later years, and the Beijing Declaration and Platform for Action in 1995. However, feminist researchers, activists and theorists as well as international human rights organisations still repeatedly point to the *global* prevalence of similar patterns perpetuating this violence, similarities in its structural reproduction and in its embeddedness in gender norms, and identify both national and international institutional responsibilities related to these.

As will be discussed in more depth in section 1.5, I recognise the importance of complex contextual examination as practiced by studies focusing on intersectionality, while I also find it important not to lose sight of commonalities and globally prevalent matters and patterns. These have not disappeared after the early 1990-s, but are perhaps more interconnected than ever, owing to the growing influence of transnational processes and institutions. While feminist focus has shifted to the analysis of specific local contexts, political theory has seen a rising

¹ Of course, some types of accidents, illnesses and crime can also be related to structural and institutional causes. Poverty-related illness and disease for instance, as Pogge (2008) argues, are a matter of global justice, by virtue of their relationship to deprivation and to international intellectual rights (patent) laws in the pharmaceutical industry. The ways in which VAW is similar to and different from other social and global justice issues with structural causes will be discussed in chapter 6-7.

interest in global justice, but issues related to gender are largely absent from this discourse, even though the increasingly interconnected processes brought about by globalisation that in part motivated interest in the field also affect and are affected by gender and gender injustice. This disregard for gender is, in some sense, logical: mainstream global justice theory primarily deals with distributive injustice between poverty-stricken and wealthier parts of the world, and the cross-cutting nature of gender presents some crucial conceptual challenges in this framework. The above trends mean that save for a few exceptions, the consideration of global gender injustices currently falls out of the focus of both feminist research and global justice theory. This thesis contributes to the field of global justice theory by building on and developing existing conceptual frameworks to address the globally prevalent phenomenon of VAW as an outcome of global gender injustice. By doing so, it also provides further justification for and new ways to normatively support the objectives articulated by gender- and VAW-related international declarations and policy-recommendations already in place.

1.4 International commitment against VAW and gender inequality

Recognising the universality of VAW thanks to the tireless efforts of feminist activism and advocacy, the international community has put institutions and conventions in place to address it. A short overview of these developments, occurring in the large part throughout the 1990s, puts into context the coming discussion on states' and international institutions' actual behaviour in relation to VAW and gender injustice. The vast majority of currently existing states have joined these declarations and conventions at least as signatories (UN, 2018). Most also ratified them and can thus face a reasonable expectation to have enacted corresponding reforms that aim to eliminate gender-based discrimination and VAW within their jurisdiction. Signatory states cannot plead ignorance to the existence of VAW, to its causes and to the basic minimal requirements to address it, and can hardly deny the necessity of acting in ways prescribed by conventions and declarations to which they expressed their commitment. Failures on the part of states and international institutions legitimised and coordinated by states (see chapter 3) should be examined in the light of states' understanding of gender-based VAW as a social wrong they ought to eradicate, and their supposed commitment to

do so, expressed in their accession to jointly articulated international standards.

The Convention on the Elimination of Discrimination Against Women (CEDAW, 1979) initially not explicitly mentioning violence, but later amended with a recommendation to cover violence (CEDAW Committee, 1992), is supposed to combat gender inequality. The CEDAW Committee, an expert body, monitors states' progress in implementing the Convention and formulates recommendations with regards to women's rights since 1982 (UN Special Rapporteur on VAW, 2009). In 1993, amidst extensive campaigns by activists and professionals under the slogan "women's rights are human rights", the international community recognised women's rights as human rights and VAW as a human rights violation, and issued the Declaration on the Elimination of Violence Against Women (UNGA, 1993), which is supposed to bind signatory states to make efforts to combat VAW. The Commission on Human Rights adopted a resolution to the same effect in 1994, "integrating the rights of women into the human rights mechanisms of the United Nations and the elimination of violence against women" (UN Special Rapporteur on VAW 2009, p.1), and appointed the UN Special Rapporteur on VAW, its Causes and Consequences. The Beijing Declaration and Platform for Action, expressing the commitment to end VAW and discrimination against women was endorsed twenty years ago by governments on the Fourth World Conference on Women (UNGA, 1995). The UN has had divisions and units dedicated to women's rights since its inception; first the Division on the Advancement of Women (1947), then the UN Development Fund for Women (UNIFEM) and the International Research and Training Institute for the Advancement of Women (INSTRAW) during the UN Decade for Women (1976-1985), to which the Office of the Special Adviser on Gender Issues and Advancement (OSAGI) was added after the 1995 World Conference (UN, 2006). All these merged to become UN Women in 2011.

Other major UN bodies, not specifically related to women and gender, also have sub-divisions and processes concerning the issue. The UN Development Agency measures gender inequality through the Gender Inequality Index. Gender inequality was specifically addressed in the Millennium Development Goals (UNGA, 2000), and "Goal 5" in its successor, the Sustainable Development Goals for 2030, calls for the elimination of gender inequality and VAW (UNGA, 2015). The WHO considers VAW an "urgent public health priority" (García-Moreno and Watts, 2011), a "major public health problem" (WHO, 2017) globally. Some indeed

argue that since “violence perpetrated in the home appears to be the most prevalent form of violence” globally, domestic abuse “should no longer be regarded as a private matter but a public health concern” (Fearon and Hoeffler, 2014, p.III). Furthermore, outside the realm of the UN, there are also regional inter- and supranational organisations that aim to implement women’s rights and tackle VAW and gender-based discrimination.

Further to VAW- and gender-specific bodies and sub-divisions, and also owing to feminist activism, research and advocacy, the idea of *gender mainstreaming* was also introduced in the international community. Aiming to address the practice of failing to consider detrimental effects and harm to women when devising policies, gender mainstreaming requires that new policies be scrutinised on the basis of how they affect women and gender inequality and be adjusted so as not to disadvantage women but promote gender equality. The idea of gender mainstreaming was popularised by the Beijing Declaration and Platform for Action (UNGA, 1995). According to its formulation then:

In addressing the inequality between men and women in the sharing of power and decision-making at all levels, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that before decisions are taken, an analysis is made of the effects on women and men, respectively. (UNGA, 1995)

According to the UN Economic and Social Council, gender-mainstreaming includes not only a gender-sensitive impact-analysis, but also aims to:

[make] women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not *perpetuated*. The ultimate goal is to achieve gender equality. (UNGA, 1997, ea.)

Gender mainstreaming is subject to extensive theorising and research, and there are several approaches to take with its implementation. We might distinguish between agenda-setting or transformative gender mainstreaming, which aims to bring about social transformation in line with feminist goals, and integrationist gender mainstreaming, which aims primarily to make policies more efficient, more carefully devised so as to avoid pitfalls and detrimental effects owing to gender (Jahan, 1995). While the above wording gives room for both interpretations and approaches, and “the ultimate goal” seems to be a transformative one, the current

practice of gender mainstreaming, when applied, seems to be more aligned with an integrationist approach, if not only a tick-box process.

This thesis aims to provide (yet another) philosophical justification for the demand of gender mainstreaming in a transformative sense, and seeks to impress the obligations to realise the commitments set forth in gender- and VAW-related international conventions, declarations and subject-specific institutions. However, I argue that the elimination of VAW and the thorough realisation of the spirit expressed by international documents require not only the application of gender mainstreaming to major or new policies, but altering a wider set of already existing policies and institutions that currently result in the underfulfilment of women's human right to security, maintaining gender and perpetuating inequality and thus contributing to the reproduction of VAW.

1.5 Clarifying terms and their applicability: violence, patriarchy, gender, and talking of women globally

There are a few terms and reservations regarding the subject of this thesis that require some preliminary clarification. Many of the terms used and discussed throughout this thesis have various definitions, and arguments surrounding their definition constitute rich discourses; analysing all these in depth extends beyond the scope of this thesis. However, I shall (1) clarify the role that the concepts of violence, patriarchy, and gender play in making the central arguments of this thesis, and (2) address some issues connected to writing about gender and women that are most pertinent to the task of analysing VAW *globally*.

First of all, for the purposes of this thesis, in order to avoid blurring concepts and mixing discourses with disparate terminologies in strongly divergent conceptual frameworks, I use the term “violence” in a strictly direct and interpersonal sense. That is, I use it in a way that does not include “symbolic violence” (Bourdieu, 2001; 2004), “systemic” or “structural” violence (Galtung, 1969; Gilligan, 1997), or the expression of attitudes and behaviours on the part of distinct individuals and institutions accumulating in everyday and institutionalised sexism. Chapter 2 introduces the main types and forms of interpersonal violence against women – the violence whose existence, I argue, represents a legitimate concern for justice theory to address. The indirect role of states and official

institutions (chapter 3) and the continuum between interpersonal VAW and other, sexist acts, behaviours and phenomena (chapter 4) are discussed separately. A less clearly interpersonal form of VAW that I also consider violence is the conduct of what I term abuser states (see chapter 3.5) that amounts to directly imposing coercive control over women, especially if resistance or disobedience is punished corporally or with prison. While I use “violence” in a restricted sense, this thesis might be interpreted as an effort to capture what other traditions of literature call symbolic, systemic or structural violence, but within the discourse of justice theory, using the conceptual frameworks of justice theory. I also propose that violence or in/security may be usefully construed as a dimension of injustice (global and social) next to mal/distribution, mis/recognition and mis/representation based on Fraser (2008a) (see chapter 5.6).

Second, in accordance with common practice across the literature, I use the term patriarchy/patriarchal to describe social settings and structural arrangements that are characterised by male dominance. I argue that what feminists aim to describe when analysing and referring to “patriarchy” is an institutional structure that is the subject and locus of injustice, and the term performs a similar conceptual role as the idea of “the basic structure”, or “institutional order” in political philosophy and justice theory. This supports the central argument put forth by this thesis that it is both possible and necessary to devise models of duty/responsibility that address the structural causes of VAW, building on theories of justice concerned with structures that produce adverse outcomes, and that includes a preliminary account of how this task might be approached. Chapter 5 advances the patriarchy-as-basic-structure argument, and discusses the term in more depth. I posit that the global basic structure (insofar as the institutional frameworks in place amount to constituting a global basic structure) is patriarchal, and that we can use the concept to describe diverse social settings that share some basic qualities (5.4). Classifying gender as an institution and characterising it as inseparable from male dominance, in a way similar to classifying race as an institution inseparable from racism or white supremacy (Mills, 2010) also constitutes part of the argument (see chapters 4.4, 5.4). I posit the claim that gender is an institution that constitutes part of patriarchal basic structures in its own right, while it is also an institution deeply intertwined with and woven into other major institutions identified by both feminist

theorists of patriarchy and by political philosophers concerned with the basic structure and structural injustice.

Using the above terms, and the subject of this thesis more generally, invoke various concerns however, which I shall address in turn. Since this thesis concerns VAW and the role gender and gendered structures plays in it, not only in a particular society or in particular societies or regions, but globally, it is important to address some issues regarding difference and generalisability. Does it make sense to talk about “women”, the situation of women, the disadvantages and violence faced by women, considering the vast differences between those commonly understood as belonging to this category? Considering the variations in masculinities and femininities, does it make sense to talk about gender in a global context? The remainder of this section introduces anti-essentialist and intersectionality concerns, and defends the choice to talk about “women” and “gender”. I maintain that recognising the diversity of experiences is of key importance, but so is the possibility to discuss phenomena that manifest in globally prevalent harmful social wrongs.

Contemporary discourse on VAW and gender injustice use the term “gender” increasingly not only to replace the term “sex”, but also “women” (Meyer and Prügl, 1999). Consequently, “gender-based violence” and “violence against women” are frequently used as interchangeable expressions. The reasons for this terminological trend are manifold (Meyer and Prügl, 1999, pp.5-7), and I will not analyse them in depth here. Yet two important aspects of the shift from using “women” to using “gender” cannot be bypassed in laying the groundwork for terminology. These two are (1) the definition of “gender” and of what the different genders entail, and (2) the problem of referring to “women” as if it were a homogenous group in diverse societies or in an international context, which might be resolved by the use of a given understanding of “gender”.

The two-step process from sex to gender and from women to gender rests on the recognition of the term “gender” itself. Originally, this is the notion that it is not “sex”, not biological characteristics (reproductive function) that determines the way “men” and “women” are and that result in their socially or politically relevant differences and relation to each other. Instead, it is the socially (and historically) constructed and taught meaning and expectations that these categories are filled with; the norms of masculinity and femininity that persons are socialised to adhere

to, based on their biologically given sex (Haslanger, 1995).² In Simone de Beauvoir's iconic words, it is the notion that "one is not born, but rather becomes, a woman" (Beauvoir, 1972, p.267). Today, "sex" is widely used to denote only the biological categories (male, female, intersex), while gender is widely used to denote the social categories (or more recently, identity-categories) of man and woman.³

As the term "gender" is originally a feminist term, it is commonly used to also encompass a given understanding of gender relations, of man-woman relations as ones characterised by power inequality in which men have more power than women, and men have power over women. Thus, when discrimination or harm occurs that has to do with gender, is attributed to gender, or is "based on" gender, it is generally presumed that it is women who are disadvantaged, and women that are harmed. Hence, terminologically, "women's issues" becomes interchangeable with "gender issues", and "violence against women" with "gender-based violence".

However, given the intertwined nature of the gendered notion of "masculinity" with power, dominance and violence (Newburn and Stanko, 1996; Kimmel et al., 2005), many argue that most acts of violence can be characterised as "gender-based", gendered, or having a gender-aspect — or at least not only crimes of men against women, but also many crimes of men against other men can be characterised as such. Recognising that not only women can suffer gendered violence, I use the terms violence against women and gender-based VAW rather than the potentially broader gender-based violence to denote the subject this thesis is concerned with.

Another way to view the use of "gender" instead of "women" is as a reaction, and part of an attempted solution to, the problem of viewing women as a homogenous group (Meyer and Prügl, 1999). That is, viewing all women as if our experiences and problems, as well as the attitudes and aspirations in relation to them, could be perceived as basically the same or at least very similar, thereby not recognising the diverse experiences of women, marginalizing many women and reproducing power-relations and inequalities existing on the basis of other social

² Discourses in the disciplines of queer studies and trans theory suggest that sex is also not biologically given, but socially and/or self-constructed (Butler, 1990; Bettcher, 2014).

³ Recently, there is much discussion on the "gender binary", i.e., the idea that there are two genders (the masculine and the feminine, man and woman). Opponents hold that this is inaccurate, because several gender-identities exist, and/or gender is internally experienced, expressed and performed on a spectrum, and many people do not fit into either one of the two categories (Bettcher, 2014). The debate on this matter is vast and is not to be discussed here.

factors, most importantly race, class and nationality (hooks, 1981; Lugones and Spelman, 1983; Spelman 1988; Mohanty, 1991a; 1991b; Mohanty et al. 1991). This issue was evident in early tendencies in the feminist movement, which was initially led by, and was structured around the experiences and problems identified by women of a particular socio-economic, geographic, and racial background and position (middle class, Western, white, heterosexual, able-bodied women). The movement used to formulate criticism on women's position in society and globally as if this group's experience was universal, as if it was the general "women's" experience; as if "all women were the same and were oppressed in the same way" (Meyer and Prügl, 1999, p.6). This perception received ample criticism, leading to the rise of intersectionality (Crenshaw, 1989; Collins, 2000), an approach that attempts to address the diversity of women's complex experiences and varied oppressions. The diversity of experiences and of "womanhoods" constitutes a conceptual problem not only on the national level, in terms of diverse societies, but also for international feminists (Rupp, 1994).⁴ As the term "gender" per definition includes the recognition of social and cultural factors in forming what the different "genders", manhood or womanhood, masculinity and femininity encompass, and as the existence of not one, but many different socio-cultural settings and positions is undeniable, "gender" might seem a more promising term than "women" to address difference (Meyer and Prügl, 1999). As opposed to using "women", the shift to using "gender" gives more room to discussing different meanings of "woman" in given social settings, positions, places and times, allows diversity in defining what "masculinity" or "femininity" means in the given context, and allows diverse experiences and aspirations to inform these definitions.

The result of this shift in theory (towards intersectionality) and correspondingly, in terminology was "a proliferation of descriptions of women's local experiences, gender constructions, and feminisms in diverse contexts as well as a retreat from claims to commonality, including those of common oppression" (Meyer and Prügl, 1999, p.6). Amidst varying accounts of gender-constructions and feminisms, however, gender-based VAW is reported to exist worldwide, cutting

⁴ According to Rupp's analysis, the early international feminist movement was characterised by "Euro-American assumptions, based on a specific history of gender differentiation in industrialized societies, [which] underlay both the conceptualization of difference between women and men and the tradition of separatist organising" (Rupp, 1994, p.1599).

across every nation, class, race, religion, culture or minority group (if that group includes members of both sexes). Those gendered as “women” at whichever intersection are raped by those gendered as men in staggering numbers everywhere,⁵ domestic or intimate partner violence against women exists everywhere, practices harmful to women exist in many places. Local, grassroots advocates of women’s rights similarly point to problems and obstacles in fighting against these problems, and research signals that VAW is similarly rooted in gender conceptions and relations everywhere (see chapters 2-4).

While there are diverse experiences, diverse local and contextual configurations of masculinities, femininities and womanhoods, and complex identities emerging from combinations of group-belongings, it also seems to be the case that those referred to as “women” are subjected to gender-based and gendered violence across the board. If one does not hold that biology alone is enough to explain the global prevalence of VAW, but refers to VAW-research that consistently shows the role of gender in VAW, it becomes evident that some basic elements of gender constructions are shared. Asserting this does not necessitate denying the complexity of gender constructions beyond these shared elements. That is, it is permissible and possible to discuss gender injustice and VAW globally, so long as the existence of particularities is acknowledged, and the discussion does not over-focus on the experiences of women in comparatively better or more dominant positions *vis-à-vis* other women within the global order. The shared element, as this thesis argues, is the inherently hierarchical nature of gender (constructions, norms and roles), that serve to legitimise male dominance and that involves the prioritisation of male interests. Even different customs and expectations that are apparently at odds might boil down to similarly hierarchy-supporting notions of gender. For instance, expectations of how women ought to present themselves in public might be geared towards modesty in one context and attractiveness in another, but underlying both is a perception women’s bodies as potential objects of men’s desire (see chapter 2). I also ought to note that throughout this thesis, I refer to various examples taken from particular contexts that are illustrative of the problems I aim to address. While the restraints of space and the ambition to keep

⁵ Except in a few exceptional, isolated communities, where the cultural configuration does not include “sexual separation”, “male dominance” and “interpersonal violence” (Sanday, 1981) (see chapter 2.4).

the discussion focused makes it impossible to provide a comprehensive index of various state and social practices and phenomena related to each issue regarding gender and VAW that I discuss, the distinct examples highlighted from various contexts to illustrate different points add up to a global picture.

I acknowledge that gender constructions have different variations according to local historical developments and specific social settings, recognise the legitimacy of the criticism of a homogenous and/or thick conception of “women”, and I find the analysis of a “matrix of domination”⁶ (Collins, 2000, p.299) in critical social theory an important endeavour. Yet I believe this should not keep us from being able to discuss globally prevalent phenomena that exists along some identifiable line, variations notwithstanding. If employing categories is untenable owing to the overlapping and intersecting nature of social groups and the variety of experiences emerging from the combination of various factors, this would have implications not only to talking about gender and women, but other inequalities and oppressions as well. My position applies also to race: I hold that even though there are differently positioned persons with differing experiences within racial categories too, according to gender, economic status, dis/ability, nationality, geographical location, age, and so on, it still makes sense to address the issue of race as long as these differences are recognised and acknowledged.

Without employing categories in discussions of society and politics, we are reduced to individuals (Harris, 1990, p.586) and are unable to name, analyse and respond to prevalent patterns and collective phenomena. Who is to say which group description is narrow enough? Black women do not all have the same set of experiences and the same sense of identity; Black American women do not either; nor do Black American working-class women; and so on. The ultimate problem with disallowing the talk of “men”, “women” and “gender” in favour of “the idea of multiple genders” or womanhoods that describe complex identities is that it “can generate an infinite regress that dissolves groups into individuals” (Young, 1994, p.721). Again, this is not to say that we shall discuss the phenomena of global gender-based VAW without awareness of variations in particular gendering practices or definitions of womanhood, or that we should pretend that all women are essentially the same, have the same sense of self as women and the exact same

⁶ See chapter 5 (on patriarchy) for a more detailed discussion of this notion.

set of experiences. This thesis does not advance a thick conception of “women” as a group (Mikkola, 2016), and of “womanhood” as an identity. The above only means that this thesis rests on the conviction that there *is* such a thing as gender-based VAW worldwide, and not only can it be talked about, it also should be talked about – with the reservation that we recognise a multiplicity of identities and inequalities, and that “wrongful structural inequalities have a tendency to reinforce one another” (Dempsey, 2009, p.134). This means that rather than presupposing that aims are necessarily conflicting or incompatible, combating structural inequalities along any categorical axis can aid the eradication of other inequalities. Having this view in mind also responds to several issues implicated in allowing exclusively intersectional analyses, without talking about wider, more general and shared problems, which are neatly summarised by Ehrenreich as follows:

1) the zero sum problem: the apparent substantive conflict among the interests of different subgroups that seems to make it impossible to simultaneously further the interests of all; 2) the infinite regress problem: the tendency of all identity groups to split into ever-smaller subgroups, until there seems to be no hope of any coherent category other than the individual; 3) the battle of oppressions problem: the apparent necessity, due to problems 1 and 2, of weighing oppressions to determine which subgroup's interests are most important; and 4) the relativism problem: the suggestion that, if all people have both oppressor and oppressed statuses (depending on the context), it might be impossible to assess the legitimacy of claims to oppression or to assess the value of particular reform proposals for a progressive agenda. (Ehrenreich, 2002, p.251)

These are serious challenges that emerge when trying to construct adequate intersectional approaches. This thesis aims avoid the above pitfalls, as well as the pitfalls of exoticising or othering women in the Global South, or culture-blaming (Spivak 1994; Jaggar, 2005). In order to analyse a globally prevalent phenomenon, it admittedly focuses on the transnational and “trans-sectional” similarities in its character, its causation and the structural contexts in which it takes place. For these purposes, while not negating the contributions intersectional approaches and contextual analysis can make, it addresses gender, the gender categories of women and men as globally prevalent social classes, and the relative social positions of men and women in gender-regimes, rather than centering complex subjective identities and cultural expressions of womanhood.⁷ The matter of internationality,

⁷ This might be perceived as an “ameliorative project” (Haslanger, 2000, p.31).

generalisability, and intersecting inequalities is addressed throughout this thesis (particularly sections 3.4, 4.4., 5.4 and 5.5).

1.6 Structure of the thesis: chapter overview

The thesis consists of three main parts, each made up of two chapters. The first part (chapters 2-3) leans mostly on empirical literature and descriptive theory emerging from the analysis of gender-based VAW, its patterns, the notions and root-causes underlying it, and states' and official national and international institutions' roles in it and responses to it. The second part (chapters 4-5) is focused on feminist theory and philosophy in relation to VAW and the structures (patriarchies) in which it takes place. The third part (chapters 6-7) situates the issues introduced in preceding chapters within the discourse on global justice and structural injustice in contemporary political philosophy. The remainder of this section gives a brief overview of the main points and purposes of each chapter. The underlying question motivating this research was whether and how we might begin conceptualising VAW as a matter of global and structural (in)justice, taking into account the nature, characteristics, and causes of the phenomenon.

The purpose of chapter 2 is to define gender-based VAW and highlight the main themes and patterns underlying it. It introduces the idea that the quality that constitutes some groups of violent and coercive actions as VAW is not simply that their victim is a woman. Through exploring the features and dynamics of various types and forms of VAW (intimate partner and family VAW, sexual VAW, harmful practices) it shows that VAW is motivated and characterised by the enforcement of hierarchical gender norms and gendered power-relations between men and women, and that VAW grows out of less “extreme”, general inequalities and gendered patterns in familial, romantic and sexual relations. It highlights the shared themes of victim-blaming, male entitlement and women's objectification that emerge from analyses of the different forms of VAW.

Chapter 3 examines the ways in which national and international laws and institutions respond to VAW, and the role institutions play in maintaining gender norms that ultimately motivate VAW. It introduces the model employed in the public health literature that distinguishes three levels of VAW-prevention, and translates it into three stages of causation. The chapter presents findings of

empirical research, which identify gender (constructions of masculinity and femininity, gender norms and roles) as the root-cause of VAW on the primary causal stage, and argues that VAW and its structural root-causes mutually reinforce one another. The chapter shows that institutional practices on various causal stages play a key role in the reproduction of VAW, and argues that they are to be tackled if VAW is to be tackled. These practices include the lack of effective direct response in the form of prosecution and services (on the tertiary stage), the lack of addressing risk factors (secondary stage), and the maintenance and reproduction of gender norms, roles and inequality through institutional design and policy (primary stage). Owing to the mutually reinforcing relationship between VAW and its roots, failures on the tertiary stage have effects also on the primary stage. The chapter explores the patterns underlying these institutional practices, most importantly that policies are centred on men's experiences and interests, and shows that such patterns are also detectable in international policies and institutions, and that various transnational and global processes and organisations also play a causal role in reproducing VAW on various stages.

Chapter 4 deepens the analyses of VAW, its causes and its structural context presented before, through related discourses in feminist theory and philosophy and Charles Mills's interventions regarding the social ontology of race and gender. The chapter argues that mainstream political philosophy and international relations theory wrongly perceive gender-based VAW as apolitical and hence do not address it. The chapter discusses feminist criticism against disregarding VAW, and the public-private distinction that this disregard stems from, along with the failure to construct theories consistently taking into account gender relations and women's experiences. It also introduces the notion of a continuum of sexual violence, which serves to explicate the connection between routine transgressions against women (such as harassment), and more extreme forms of VAW. Through the notion of this continuum and of "grey areas" between typical intimate relations and sexual violence, the chapter argues that VAW is an outcome and extension of pervasive norms rather than an aberration or divergence from them. The chapter also argues that gender, i.e. the social categories attached to sex (and the norms, roles, expectations constituting them) is itself inherently hierarchical, and gives rise to the various kinds of acts along the continuum of violence.

Chapter 5 discusses the concept of patriarchy as the feminist counterpart of the concept of basic structure and institutional order in political philosophy, and as the recurring feminist concept to explain and connect the structural and institutional issues raised in previous chapters. The chapter gives an overview of theories of patriarchy and theories on the relationship and intersections of patriarchy with other structures of oppression, and considers the difficulties of talking about patriarchy globally. The chapter shows that the inequality between men and women in patriarchal structures is maintained on all levels: on the micro-level of interpersonal relationships, the mezzo-level of communities, groups and associations, and the macro-level of society. It argues that gender might be usefully and validly construed as an institution deeply intertwined with other institutions, that together comprise patriarchal basic structures. Furthermore, the chapter argues that the global institutional order can also be considered patriarchal, adding a transnational supra-level. The chapter suggests that Nancy Fraser's (2008a) conceptualisation of different dimensions of injustice (mal/distribution, mis/recognition and mis/representation) is useful to synthesise the various outcomes of patriarchal structures that feminist theorists are concerned with. It argues that in/security (violence) might be usefully construed as a dimension of injustice, typically unaddressed by mainstream justice theory, which tends to focus on maldistribution.

Chapters 6 and 7 are dedicated to bringing the previous discussions and arguments together with Iris Marion Young's (2011) theory of structural injustice and Thomas Pogge's (2008) theory of global justice, placing the previous points within the context and terminology of justice theories in political philosophy. Chapter 6 introduces the main terms and concepts of discourse in which Young's and Pogge's theories are located, and explains the contributions they made to thinking about structural and global justice, tying these together with what previous chapters established about the nature and workings of VAW and its structural causes. Chapters 6 and 7 argue that while Young's and Pogge's accounts are themselves ill-equipped to address VAW, drawing on their theories we can begin to construct an account of VAW as a matter of global justice, and of the duties and responsibilities of various kinds of agents in the reproduction of VAW. Chapter 7 lays out a framework to scrutinise the role and characteristics of various kinds of agents for the purpose of identifying their responsibilities and, based on this framework, sketches a preliminary account on the responsibilities and duties of

various kinds of agents. It posits that the conduct of various kinds of agents converges to reproduce VAW owing to a gendered normative content informing their conduct. The chapter argues that VAW is indicative of a chronic underfulfilment of women's human right to security.

The final chapter summarises the arguments presented throughout this thesis, addresses potential worries over demandingness and feasibility, and highlights possibilities for further research.

2. Gender-based violence against women: gendered motivations, context, patterns

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2.1 Introduction

The purpose of this chapter is to further clarify what I mean by gender-based violence against women (VAW), and what is the kind of violence this thesis is concerned with. The seemingly obvious expression is used every day and somewhat intuitively to cover a rather particular type of violence perpetrated against women victims⁸; its defining characteristic is not simply the victim's sex/gender, but that the violence is perpetrated against women on the basis of their gender, the social norms and roles attached to the female sex. According to the UN definition, VAW is:

any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. (UNGA, 1993)

That is, the violence is directed against the victim because of “her gender and expectations of [...] her role in a society or culture” (UN Women, 2012c). Through a discussion of particular forms of VAW and the patterns and themes emerging in their practice and gendered nature globally, this chapter aims to clarify what it means that VAW is gender-based – in what way does gender gives rise to this violence, and how does gender characterise its perpetration and the responses to it.

The first two sections give an overview of the main forms and characteristics of the two, most prevalent types of VAW (UN Women, 2012a): intimate partnership, domestic/family violence (2.2), and sexual violence and assault (2.3). Section 2.4. draws out some patterns in the ways these two types of

⁸ I use the word “victim” in a descriptive, criminological sense: a person harmed by the actions of another.

violence are motivated and perceived in societies more broadly. In particular, it discusses the phenomena of victim-blaming, male entitlement, and women's sexual objectification, which serve to misattribute responsibility for VAW or to justify and normalise it on the basis of gender. The next section discusses harmful practices prevalent in particular regions and communities, and points out some additional patterns connecting their gender-based quality to the types of violence discussed before. The final section raises some insights regarding the more general or "normal" power-relations in the household and relationship contexts where gender-based VAW typically occurs, introducing these as ideal backdrops for violence to develop.

Throughout this thesis, I aim to show that VAW is gender-based in the strong sense, in that not only is it motivated by the victim's gender, but it is the outcome of the hierarchical construction of gender permeating social structures globally, and it simultaneously reinforces gender and patriarchal structures. This chapter shows how gendered power relations manifest in VAW practically, growing out of general, less extreme interpersonal and social power-dynamics considered normal or customary that designate men as dominant and women as subordinate to men and expected to submit; and serving to enforce and reinforce these norms. Given the global significance of gender in giving rise to harm and suffering women experience worldwide, this thesis posits that gender-based VAW is an important subject for global justice theory to address and suggests a preliminary conceptualisation of duties and responsibilities within its frameworks.

2.2 Intimate partner violence and family violence against women

Gender-based VAW in the context of intimate and family relationships does not consist in isolated incidences of interpersonal violence. The violence I am concerned with and that I suggest justice theories ought to be concerned with (a) is perpetrated primarily against women; (b) demonstrates unequal interpersonal power-dynamics; (c) is rooted in hierarchical gender norms; and (d) perpetrates and contributes to sustaining patriarchy. In the context of heterosexual relationships, VAW involves a pattern of abuse rather than isolated incidents or mutual "fights", and involves the assertion of dominance by men over their female partners through various means. This section will focus on intimate partner violence against women

(IPVAW), but will also discuss gender-based VAW perpetrated by other family members.

IPVAW ought to be distinguished from irregular violent incidents taking place in a domestic setting, which are not rooted in gendered dynamics and do not express power-relations, and which might be perpetrated symmetrically or nearly symmetrically by men and women. In order to capture the difference between these, distinct types of violence, and to enable the proper definition and analysis of gender-based VAW, researchers of the subject came up with various terminologies. They distinguish between simple interpersonal violence in relationships and gender-based IPVAW on the basis of various qualitative indicators.⁹ One group of qualities concerns the dynamics, frequency and graveness of violence, with IPV against women typically taking place in a general context of power-inequality within the relationship, and often encompassing sustained and repeated abuse and graver injuries. The other concerns the perpetrator's motivation for, and the victim's response to, abuse – most importantly, whether the perpetrator aims to establish control over the victim through the use or threat of violence, and whether the violence results in sustained fear in and infringed liberty of the victim (typically characterising IPV against women and uncharacteristic of violent acts by women on men).

On the basis of such qualities, Johnson (1995) suggests a typology to distinguish patriarchal terrorism and common couple violence, or (2008) intimate terrorism, violent resistance and situational couple violence. Intimate terrorism denotes abuse that occurs in the context of general control and domination, and is perpetrated predominantly by men on women, while situational violence denotes isolated incidents involving violence without a pervasive power dynamic, “com[ing] from the escalation of specific conflicts” (Johnson, 2008, p.3). “Violent resistance” is when victims of intimate terrorism “try to cope” with the abuse exercised over them through isolated acts of violence (Johnson 2008, p.3).

Stark (2007; 2009; 2010), similarly to Johnson, points out that taking into account the purpose and context of violence, we ought to distinguish *coercive*

⁹ The summary that follows is based on the key findings emerging from the so-called symmetry debate. See: Dobash and Dobash (1979, 1984, 1988), Stark (2007; 2009; 2010), Johnson (1995, 2008), DeKeseredy (2000), DeKeseredy and Schwartz (2005), Barnett et al. (1997) and Buzawa et al. (2012).

control from *fights*. The term “coercive control” became widely used to denote the type of abuse faced primarily by women in intimate relationships. According to Stark, coercive control is a “liberty crime” (2009, p.16) consisting of sustained threat to, and control of, one partner by the other. In coercive controlling relationships, while a varied amount of physical violence occurs ranging from a few instances to hundreds, the defining feature is that this occurs within a general pattern of control and domination. Coercive control is exercised typically by men over women in heterosexual relationships, “largely due to [women’s] positioning within the social structure” (Stark, 2009, p.16). The patterns of IPVAW exist owing to gender norms, are embedded in the wider context of gendered power-relations, and serve to entrench them. Much of the literature and laws on IPVAW are over-focused on the location/relational context (domestic/intimate partnership) of the violence, missing the crucial character that it perpetrates and sustains patriarchy, the “collection of social forms which constitute a structural inequality, whereby men hold systematic social power in society more generally” (Dempsey, 2009, p.136).¹⁰ The dynamics expressed in IPVAW are rooted in gender norms, that is, they are rooted in the hierarchical norms of masculinity and femininity. Violence “functions in relationships to preserve and extend gender inequalities” (Stark, 2010, p.209) expressing and enforcing these norms within the relationship and reinforcing them within the broader social context.

Coercive controlling IPVAW should not be conflated with injurious physical violence; it encompasses various methods of abuse. The key forms of IPVAW are usually introduced gradually, escalating from less tangible to more visible, injurious forms throughout the course of the relationship. Abusive techniques include:

- monitoring the victim’s activities and communication with other people;
- isolating the victim from her friends, family, work and/or studies;
- verbal, emotional or psychological abuse minimizing and intimidating the victim, questioning her abilities and statements (also called “gaslighting” or “crazy-making”) and gradually diminishing her self-esteem;
- economic abuse controlling the victim’s access to financial resources (whether from inside or outside of the family) and creating a setting of financial dependence or taking away her earnings;

¹⁰ For a more detailed analysis of *patriarchy*, see chapter 5.

- controlling the victim's reproductive functions;
- sexual and physical violence.

(Domestic Abuse Intervention Project in Duluth, 1984; Bancroft, 2003; Stark, 2007)

In order to establish that the coercive controlling attitude exists and that one is facing a case of IPVAW, it is not necessary that all these forms of abuse be employed. Harmful tactics of non-injurious abuse co-occur with and complement physical abuse and/or its threat, cumulatively impacting victims' sense of autonomy and security, at times to a degree that keeps victims from escaping or resisting even in the face of seriously injurious abuse or its threat (Buzawa et al., 2012, pp.11-12).

Perpetrators using coercive control "strategies" not only violate their victim's physical integrity through physical violence, and not only deprive their victim from respect, autonomy and social connectedness through intimidation and isolation, but in subordinating the victim to their own will – at times going as far as micromanaging her everyday life (Stark, 2009, p.171) –, also deny their very personhood and citizenship (Stark, 2009, p.15). Furthermore, coercive-controlling IPV and gender are by definition intertwined, as "absent sexual inequality, the same acts have different meanings" (Stark, 2009, p.199). That is, even if some women perform some of the acts listed above – for instance, check their partner's correspondence, – "it is the social endowment men inherit from sexual inequality [...] that allows them (but rarely women) to shape discrete acts into patterns of dominance that entrap partners and make them subordinate" (Stark, 2009, p.199).

Multi-regional studies using standardised instruments and therefore comparable data confirm that the prevalence of injurious violence in VAW correlates with non-injurious abusive attitudes and behaviours on the part of the perpetrator, and that this is demonstrable across regions (García-Moreno et al., 2006, p.1262). That is, while the research that resulted in these models of understanding IPVAW is primarily Western (and within that, mostly American and British), the acts and behaviours that make up coercive controlling IPVAW are documented globally. They might even be considered customary, basic rules of relationships and families in many communities across the world, including more traditional or strictly religious Western Judeo-Christian families. Controlling women's education, work, intimate and reproductive life or even clothing, and perceiving them as less respected members of the family and less valuable in society in general are prevalent in various contexts, without being construed as IPVAW or

similarly coercive family or state violence despite qualifying as such when looking at the character of this conduct.¹¹

It is important to note that those imposing power over women within a family setting using violence amongst other means are often not (only) male partners, but other members of the family, such as fathers, brothers, in-laws and mothers (Almosaed, 2004; Ahmed-Ghosh, 2004; UNIFEM et al., 2005; Al-Ghanim, 2009; Sharma, 2015). Different regions, countries and communities may vary in which male family members are invested with the power to coerce and punish female members. Non-spouse family members may exercise control themselves (such as fathers and brothers controlling women before they marry (Al-Ghanim, 2009)), and/or participate in the abusive partner's efforts to maintain control over the victim (such as in-laws (Ahmed-Ghosh, 2004; Sharma, 2015)). Coercion and imposition of power by other family members may include physical violence as punishment for perceived disrespect of decisions by others over the woman's life, and for divergence from gender-roles or -expectations. Ultimately, it may also result in murder (e.g. honour-killings). Further, the imposition of coercive controlling intimate partner or family violence over women, while it may be carried out directly by family members and/or with the involvement of family courts, may also be explicitly established on a societal and legal level, as seen, for instance, in Iran (Nayeri, 2013; Middle East Institute, 2014).¹²

As this section explained, IPVAW as a phenomenon encompasses and manifests in many forms of abuse, including non-injurious ones, together forming part of the context of patriarchal "coercive control". Its context singles out this violence as gender-based IPV, in that it affects primarily women, for reasons

¹¹ The most extreme illustration of this devaluing perception of women and girls is the phenomenon of "missing women" (Sen, 1990; 2003b), resulting from the selective abortion of female foetuses, from female infanticide or maltreatment of girl children, and improper medical care and nutrition for women – for instance, in the context of scarce resources, by prioritising nutrition and medical care to male children and men (Sen, 2001; 2003b).

¹² In the Iranian application of Islamic law, women have an obligation to tamkin (submission) in exchange for nafaqa (maintenance) by the husband, and a woman ought not do "anything that denies, or interferes with, her husband's rights"; [t]herefore, for example, she is not allowed to leave home without her husband's permission, for it may conflict with her duty to meet her husband's desires (in particular sexual access) at all times" (Nayeri, 2013, p.29). (The relationship between sexual access and men's entitlement to control women is further discussed in section 2.4 below and in chapter 4.3.) Furthermore, while Iranian women have the right to work, their husbands have a right to prevent them from working (Nayeri, 2013, p.36-38). Chapter 3 develops in more detail the issue of coercion and control prescribed on a social and/or legal level, discussing systemic and institutional agency in producing and enabling WAV.

grounded in gender, and its quality is also gendered (enforces hierarchy between men and women). Domestic violence, defined broadly but consistently with the qualities of the phenomenon, applies to a variety of relationships and includes non-injurious means of coercive control (Buzawa et al., 2012, ch.2). Throughout this thesis, I will maintain a coercive control-based definition of IPVAW, which might not include injurious violence but still achieve control, resulting in a critical loss of liberty for the victim and domination by the abuser.

2.3 Sexual violence against women

The term “sexual violence” encompasses more than rape (typically defined as involving penetration). Non-penetrative forms of sexual assault and harassment are discussed less often in the VAW literature. This might change however, as there is a new wave of global discourse connecting all forms of sexual harassment and assault, ignited by a recent outburst of scandals in Hollywood, and fuelled by further revelations about rampant sexual abuse in other exclusive networks, such as Westminster (Fox and Diehm, 2017). The touching, groping, grabbing or stimulation of intimate body-parts against the victim’s will or without her consent/willingness, or forcing the victim to perform such acts on the perpetrator also qualify as sexual violence (SV). This section focuses on rape, but chapter 4.3 explores the relationship between less invasive forms of sexual violence and rape. Perpetrators of SV include partners (in an IPV context) and ex-partners as well as other family members, friends, acquaintances, and strangers. It is widely understood that most SV is perpetrated by men known to the victim, perhaps with the exception of harassment by touching, groping and grabbing, which frequently occurs by strangers in public.

Rape has some particular sub-categories according to specific contexts. Marital rape is explicitly recognised as a criminal offence by only 52 countries (as of 2011, the last accumulated data available) (UN Women, 2011, p.33). SV and rape as a weapon of war and ethnic cleansing (Diken and Lausten, 2005) also constitutes a distinct category.¹³ “Corrective” rape is the raping of lesbian women

¹³ Notably, in the context of war and armed conflicts, it could be argued that gender-based violence against boys and men is also prevalent, through the forced recruitment of boys as child soldiers (where there are disproportionately more boys forced to fight), and compulsory service for men.

(Hawthorne, 2005; di Silvio, 2011), and “AIDS rape” is rape of virgin girls by HIV+ men in the hopes of curing AIDS (Murray and Burnham, 2009a)¹⁴; both types’ prevalence varies highly across regions.

Though not merely a category of sexual violence, but also one of slavery and exploitation, human trafficking must be mentioned. Women and girls make up 71% of trafficked persons (UNODC 2016, p.7), and are sold mainly for marriage and sexual slavery (UNODC 2016, p.10). 72% of detected female trafficking victims are sold for sexual exploitation (UNODC 2016, p.28). Similar to IPVAW, poverty makes women more vulnerable to this form of abuse. The general condition of sexual exploitation itself shall be considered VAW in this thesis, as well as each instance that these women and girls are sexually harassed, abused, and prostituted to punters. Sex-trafficking exists because there is a demand, and globalisation has helped this industry greatly (see chapter 3.5). The gendered background of SV described in this chapter, although related most directly to rape, arguably also provides the root-causes of sex-trafficking and of many men’s willingness to pay for raping women forced into prostitution.

When characterising an act or type of violence, one might distinguish various characteristics related to gender: the violence might be sex/gender-specific, gender-based and gendered (Inlender, 2009; Macklin, 1995). Each of these descriptors highlight a different quality. Sex- or gender-specificity means that the form of violence is related to the victim’s sex (e.g. vaginal rape); gender-based means that the perpetrator chooses the victim on the basis of her gender; and gendered means that the violence has a particularly gendered quality (is motivated by, or involves enforcing, gender norms or notions of gendered hierarchy).¹⁵ Arguably, all sex- or gender-specific violence against women is also gender-based, and all gender-based violence is also gendered, since such acts are rooted in conceptions of gender, and constitute a particular qualitative category because of the gendered motivation, dynamics, context and meaning they involve. Even if the victim was chosen based on her gender *and* some other characteristic, the character

¹⁴ Whether this myth in fact plays a large part in motivating HIV+ men’s rape against girls and infants in some African regions is under debate; opponents suggest that it is not significant, but perpetrators rape young/virgin girls for the usual reasons prevalent globally (sexual hierarchy combined with age hierarchy, elevated with the risk factor of poverty) (Jewkes et al., 2002a; Epstein and Jewkes, 2009; Murray and Burnham, 2009b).

¹⁵ For further discussion on the matter of the gendered-ness of violence, and the question of whether any violence is in fact independent from gendered implications, see chapter 4.

of SV can never be fully dissociated from its gendered aspects. The complete lack of causal relations between the victim's sex, the gender conceptions that apply to that sex, and the form of violence itself can hardly be demonstrated when a woman is raped, even if causal connections can be established between some other characteristic of the woman (for instance, her race or ethnicity). Next to rape, there are also other forms of VAW that are sex- and gender-specific, gender-based and gendered. Reproductive violence, which is the coercion of women in relation to their reproductive organs and functions, might be part of interpersonal VAW or perpetrated routinely by state actors. The category includes forced abortion, forced sterilization, forced pregnancy (the prohibition of contraception and/or abortion by the state, community, family members or partner) and forced ways of birthing or forced medical interventions while birthing (such as drugging or episiotomy) also called "birth-rape" (Mardorossian, 2014). Similar to rape, this violence may also occur on the basis of other characteristics in addition to sex or gender, as is the case with the forced sterilisation of minority women (e.g. Roma women in Hungary (Romedia Foundation, 2013)). Similar to rape, the sex- or gender-specificity of reproductive violence cannot be fully separated from its gendered-ness. This violence is also per definition gender-based, even if there are additional motivations for its perpetration in some cases. Reproductive violence is thus also considered gender-based VAW in this thesis. Reproduction and bodily self-determination is further discussed in the next chapter regarding institutions, and in chapter 4.

The "gendered-ness" of rape, be it in a sex-specific form (vaginal) or not (anal) by men against women differs from that of men against men (Kelland, 2014).¹⁶ Regardless whether there are other reasons for choosing the victim (e.g. ethnicity or race), rape of men by men has a distinct purpose and coding in that it is meant to deprive the victim of his masculinity; it is meant to feminise the victim, submit him in a way that is particularly humiliating because it is reminiscent of the way women are penetrated by men (Donaldson, 2004; Kupers 2001, p.115). In prison-slang, the perpetrator makes the victim "his bitch" (Kupers, 2001, p.115), i.e. his "woman" in terms used to derogate "unrespectable" women, and it also serves to "emasculate" the victim. Rape of women by men does not typically share

¹⁶ Rape by women against men also exists, as does rape by women against women, though this appears to be quite rare (Girshick, 2002). For making the below point, however, it suffices to compare male-on-male and male-on-female rape.

such undertones of discrepancy, of being removed from or treated contrarily to one's sex and gender – quite the opposite. Rape of women by men demonstrates “heterosexual virility” on the part of male perpetrators, affirming their masculinity, which is an especially important element in gang rape or rape in front of peers (Niehaus, 2005, p.75). For women, becoming a victim of rape is a basic fear come true, a constantly lived threat realised by the actual victimisation (Kelland, 2014). Rather than not being able to reconcile their gender with becoming a victim of rape, conflicting reactions to rape for women, when present, involve questioning whether what occurred was really rape or just ordinary sex (unacknowledged rape in the terminology of VAW research). This occurs owing to norms surrounding sexuality that normalise pressure and coercive practices by men against women, and rape-scripts or myths not matching the victim's experiences (e.g. “rape is by strangers and with the use of brutal force”) and attributing equal responsibility (e.g. “it was miscommunication”; “we were both drunk”) (Littleton et al., 2008; Cook et al., 2011). The phenomenon of unacknowledged rape is telling. It means that women victims might not be able to tell the difference between normal heterosexual practice and rape, which means that “regular” sex is itself often rape-like or, under some definitions, might even constitute rape.

Many feminists, most notably radical feminists such as Catharine MacKinnon (1989a; 1989b), argue that sexuality is the key to gender inequality, and rape by men against women is the very embodiment of male dominance and female subjugation, the ultimate act expressing the sexual hierarchy constantly present in everyday sexuality and gendered social interaction. She claims that “[sexuality] is a pervasive dimension throughout the whole of social life [that] along which gender pervasively occurs and through which gender is socially constituted” (MacKinnon, 1989a, p.318). According to MacKinnon (1989a; 1989b), the very nature of how heterosexual sex works (the dynamic of penetration) and what culture and socialisation makes of this act (defining sex as men's arousal and satisfaction) is at the same time the root and the manifestation of gender-hierarchy, patriarchy itself. A more contemporary and less radical formulation of the same idea is the concept of “rape culture” as is now used (see next section).

As rape is in many (or arguably all) cases motivated by “gender hostility”, it can be considered a hate crime against women (Walters and Tumath, 2014). Walters and Tumath (2014) argue that at least in cases where the perpetrator

expresses “gender hostility” (a high level of sexism, misogyny), the perception of motives should move away from assuming “sexual motivations” (the perpetrator wanting to have sex) and, taking gendered prejudices into account as a causal factor, move towards a hate crime conception. They argue that it can be established whether the perpetrator – in general or particularly while perpetrating the crime – expresses an attitude of hatred towards women, or an attitude that in general perceives women or some women (e.g. “immodest” women or “sluts”) as deserving of sexual degradation and violence. They posit that rapes that are motivated by such hatred should be prosecuted as hate crimes in addition to being prosecuted as criminal assault. Yet, as I will show in the next section, beliefs about men’s entitlement to sexual access to women and about their right to coerce women into sex, which motivate rape, express a perception of women as objects to which men are entitled, arguably qualifying all rape as hate crime. In fact, as IPVAW is also motivated by similarly gender-hostile perceptions about women’s right place as subjugated to men, it is not far-fetched to posit that similarly to SVAW, IPVAW also constitutes hate crime against women.

2.4. Victim-blaming, male entitlement and women’s objectification

So far, my aim was to give a basic description of the two most prevalent types of VAW. Previous sections explained that gender-based IPVAW establishes a coercive controlling dynamic in which the man dominates the woman through various forms of abuse, including non-injurious forms; and that SVAW is inherently gender-based and gendered in every case, owing to the crucial role sexuality plays in hierarchical gender-relations, and the role hierarchical gender norms play in heterosexual sexual practice and rape. In both IPVAW and SVAW, the social context in which the violence occurs provides the gendered motivation and meaning of the violence, and the violence serves to reinforce this context. This section explains in more detail this gendered social context which gives rise to VAW, also demonstrated in the social and legal responses to VAW. I identify the main, complementary themes of this gendered context as *victim-blaming* and the assertion of *male entitlement*. Underlying these themes is a misattribution of responsibility for the violence women face in a way that serves to legitimise men’s exercise of power and coercion over women and to assign a submissive and

dependent role to women (that men are entitled to enforce). Some other, related emerging themes, such as *women's sexualisation and objectification* also serve to legitimise men's use and coercion of women.

Victim-blaming is the social response that puts responsibility for victimisation on the victim's shoulders instead of condemning the perpetrator without reservations and holding him fully accountable for exercising violence, or outright denying that the perpetrator did anything wrong in exercising violence over, or in coercing, the victim (Ituarte, 2007). The perpetrator typically also uses victim-blaming within the context of IPVAW, as part of the abusive pattern (Ituarte, 2007). Victim-blaming is present to various degrees in different social settings, communication and media. It is at times highly explicit, asserting that the victim likely "deserved", or at least "provoked" the violence. Notions of "justified" wife beating or "just battery" also emerge; these express the view that perpetrators of IPVAW are legitimate in asserting their masculinity by violently dominating their victims, putting them into the subjugated place befitting a woman (Jakobsen, 2014). Physical violence is thus viewed as a foreseeable and justified punishment for the victim's (perceived or real) divergence from gender norms, for disobedience or showing disrespect, or in the case of sexual violence, often for (being perceived as) overemphasizing her femininity. The very sexism and misogyny ("gender-hostility") expressed by rapists resonates with the social response of victim-blaming in SVAW — that legal systems and practice might also echo (see chapter 3). Perpetrators raping women they perceive "sluts", or immodest women (not "respectable" women), clearly sexually available and thus deserving of being raped or even wanting to be raped, are in line with a wider social perception of victims who were "asking for it" by their alleged "sluttyness" or immodesty, similar to disobedient wives "provoking" their male partners. In settings where victim-blaming is not highly explicit, and IPVAW is seen generally as unjustified behaviour on part of the perpetrator, and where exiting the abusive relationship is, at least theoretically, an option available to women, questions like "Why didn't she just leave?" or "Why did she date/marry him in the first place?" emerge on a daily

basis (Ituarte, 2007; Herman 2006).¹⁷ Where SVAW is generally seen as unjustified behaviour, victims' conduct also receives similar scrutiny: why was she where she was, why did she drink, why did she wear what she wore, why did she stay alone with the man (Whisnant, 2017). Whether victim-blaming is highly explicit and condones punishing misbehaving women, or is less explicit and consists in analysing the victim's behaviour and scrutinising her responsibility, it detracts from holding the perpetrator and the structural and institutional circumstances (see next chapter) responsible and accountable for the woman's victimisation (and in the case of IPVAW, for her sustained subjection to coercive control). It suggests that women ought to behave in a particular way in order not to be justifiably, or at least understandably subjected to violence.

The idea that men are entitled to exercise violence and coercion against women, and are entitled to use women sexually complements victim-blaming. In the case of IPVAW and family violence, the idea of male entitlement is well illustrated through the concepts of honour violence and crimes of passion, which also invoke the important dimension of sexuality in hierarchical gender-relations. The concepts are applied in different relations but share a similar value-attribution in distinct societies. Violence and killing in the name of "honour" is perpetrated primarily by fathers and brothers against daughters and sisters, while crimes of "passion" are perpetrated by male intimate partners. Honour violence is applied by family members as punishment when the woman brings "shame" to her family by not adhering (or perceived not to be adhering) to prescribed gender norms, the "paradigmatic example" of which is the "killing of a woman by her father or brother for engaging in, or being suspected of engaging in, sexual practices before or outside marriage" (Abu-Odeh, 1997, p.287). The degree to which honour violence is endorsed, condoned or condemned by the state varies, but the concept is known across countries adhering to Islamic laws, with some states moving towards the "crime of passion" conception: legally condemning such violence, albeit with a lighter sentence (Abu-Odeh, 1997, p.288). Crimes of passion, more recently denoted as crimes due to "loss of control" or in response to "provocation" is a legal

¹⁷ There are, of course, plenty of reasons why women date/marry, and later not leave an abusive man, and needless to say, it is not because they want to be subjected to violence and coercion. Perhaps the most important reasons to note are (quite reasonable) fears from retaliation and from losing their children, and the lack of viable exit options, including the lack of legal and/or service infrastructure for victims of IPVAW that women could rely on. (See the next chapter.)

defence category that serves to lighten the sentence of the perpetrator, and that – in varied forms – exists in several Judeo-Christian, Western and South-American countries (Tyson, 2013). Similar to honour crime, it is applied largely to “the killing of women in the heat of passion for sexual or intimate reasons” (Abu-Odeh, 1997, p.289) by their male partner, out of jealousy over (perceived) infidelity. Despite cultural and social differences, and variations in legal practice, both concepts – honour crime and crime of passion – serve as a conceptual and legal tool legitimizing VAW by male family members based on gender norms. Effectively, murder falls into a different category, somehow more acceptable (or even endorsed, where the state condones honour violence) if it is committed by a man against a woman related to him (by marriage, dating or family) and if it is enforcing gender norms regarding women’s sexuality. That is, men are entitled, or not so culpable, in exercising grave violence against women when the woman (is perceived to) have disobeyed the rules of who is entitled to access her sexually.

While clearly there is no shared, homogenous global culture, SVAW, just like IPVAW is a prevalent phenomenon in all larger societies and is characterised worldwide by similar patterns regarding the sexuality of men and women, even if variations are apparent. Sanday (1981), in her seminal essay examining the prevalence of rape in 95 historical and still-existing tribal cultures across the world, found that in communities where rape is rare or absent, this correlates with: a lack of sexual separation; the lack of male dominance; no concept of dominant masculinity; a resulting near-absence of interpersonal violence; a valuing of women’s role in reproduction; and high respect for the environment and identification with nature. Communities where rape is prevalent or that are “rape-prone” share the opposite of these characteristics according to Sanday’s (1981) analysis. The latest multi-country rape study by the WHO, conducted in Asia and the Pacific showed that beliefs such as male sexual entitlement and the punishment of the woman frequently serve as motivators for stranger rape perpetration, similar to results in research conducted in the West (Jewkes et al., 2013). Sexual entitlement is the idea that men are entitled to sex whenever they desire to have sex. Not recognising marital rape as rape, or minimising it, is a clear manifestation of the idea of men’s sexual entitlement, additionally validated by the notion that it is the woman’s marital “duty” to be sexually available to her husband whenever he wants to have sex. Interestingly, while poverty is usually shown to be a risk factor

in the perpetration of VAW, in some contexts men situated in a relatively advantaged position may be more likely to perpetrate rape, acting out their general sense of entitlement (Jewkes et al., 2011). Meanwhile, rape – especially in a gang-violence setup – also ties in with entitlement in contexts of poverty, providing a route to attaining gendered power in circumstances of poverty where traditional ways (e.g. provider role) are unavailable (Jewkes et al. 2011).

The relationship of male sexual entitlement with victim-blaming in the case of SVAW is the presumption that men cannot be blamed for acting on their sexual impulses, so if a woman triggers a sexual impulse in the man, one cannot be surprised that he will have sex with her regardless of her will. The blame for rape, therefore, lies with the woman for inducing a sexual impulse in the man, who is entitled to have that impulse satisfied. The idea that the motivation for rape might be “purely” sexual even if the motivation is unilateral already includes a sense of male entitlement and dehumanisation of women; hence, the idea of SVAW without gender hostility is untenable.

Women’s sexual objectification¹⁸ also complements men’s sexual entitlement and victim-blaming. It means that women are viewed as sexual objects, bodies and body-parts triggering sexual impulses in men; as objects of (men’s) desire, instead of being perceived as subjects, as persons (Bartky, 1990). Clothing norms are also related to the perception of women as sexual objects. While the precise practices and the degree to which adherence is enforced and non-adherence sanctioned may be hugely different, there is a consideration of women’s bodies, hair and face as sexual stimulants in dressing codes and fashion for women globally.¹⁹ For this reason, the early socialisation of girls to dress as “women” – whether this means makeup and miniskirt or a headscarf – has met opposition from feminists in different societies as the premature “sexualisation” of girls (American Psychological Association, 2010; Hélie, 2012).

¹⁸ The issue of persons’ perception and treatment as subjects or as objects, or as ends or means in a Kantian sense is of particular relevance with a long tradition of discourse in political philosophy and feminist political philosophy (see for instance Papadaki 2007; 2014). Exploring this rich matter exceeds the scope of this chapter, but I discuss the related issue of assigning unequal moral worth to persons in chapters 4 and 7.

¹⁹ This view is also expressed by Jeffreys (2005), and Duits and Van Zoonen (2006). The comparability of hugely different expectations in looks and dress is also questioned; for instance, Pedwell (2011) criticises the “essentialism” of analogous interpretations on post-modern subjectivist grounds.

Victim-blaming in the case of SV (especially stranger rape) in several societies contains an additional twist, as women are expected to sexually self-objectify, to comply with norms to emphasise a sexualised femininity in their outlook; but should they become victims, the compliance with these norms is used against them to justify SV. This mechanism is the opposite of that discussed in relation to IPVAW victim-blaming, where non-compliance with norms and hierarchical relationship roles may be what motivates the violence and/or what justifies the use of violence in others' eyes (similar to "corrective" rape against lesbian women (Wells and Polders, 2011)). On the other hand, it has also been suggested that in these contexts as well, where women are now expected to present themselves as sexually desirable, perceived immodesty or being "provocative" is a divergence from *traditional* gender roles, and non-conformity with those roles contributes to the attribution of blame to the victim (Grubb and Turner, 2012). Whether it is the victim's compliance with sexual and gendered norms of dressing that justifies the violence, or her perceived non-compliance, it is the woman's perceived adherence to these norms that is used to blame her for, or justify, her victimisation.

"Rape culture" is a collective term denoting the general context and environment characterised by the above-mentioned phenomena of sexual entitlement and objectification, the corresponding practices of the justification of violence and victim-blaming, and the corresponding conceptions of gender that normalise rape and perceive it as an inevitable natural occurrence (Buchwald et al., 1995). Accompanying "rape culture" is the concept of "porn culture", which describes the influence of pornography on the above, and the influence of the porn industry on popular culture, sexuality, and ultimately gender inequality primarily in Western socio-cultural contexts (MacKinnon, 1989a; Dworkin, 1989; Dines et al. 1998; Dines, 2010). Porn-critical feminists argue that porn caters to the unrestricted sexual fantasies and desires of men, which, if one looks at porn, seem to encompass the violation, degradation and humiliation of women. While one might argue that the effects of pornography and what its consumption tells about men's wishes only pertains to Western culture and men, recently the influence and consumption of porn has become less restricted. Porn makes up a large proportion of content on the world-wide web, and is among the most visited of the types of content offered. Pornhub and Xvideos, two of the most popular sites, are the 35th

and 38th most visited websites on the internet as of the moment of writing and porn is consumed globally (Alexa, 2018). The sexual norms and sexual culture expressed in Western popular culture are also subject to the globalisation brought about by new media. Sexualised images of women that are now part of the everyday imagery most of us are exposed to invoke cognitive perception of the women depicted as objects rather than persons (Awasthi, 2017). Exposure to these images produce neurological processes resulting in the perception of female bodies more generally as dehumanised objects rather than persons (Awasthi, 2017).

Another problem related to the above concepts and phenomena is the idea of “blurred lines” (Graham et al., 2014). This is the frequently asserted notion that we can never really know whether the sexual act was in accordance with, or against the victim’s will, as women might object to sex while in reality, they want it. Therefore, the lines between consensual sex and rape are blurred. This resonates with some applications of Islamic law that conflate rape and adultery (Karamah, 2011).²⁰

The notion of blurred lines is intertwined with victim-blaming attitudes interpreting a woman’s clothing, attitude or behaviour, if it is perceived attractive or immodest according to the locally relevant criteria, as an expression of her “asking for it”; a willingness to engage in sexual activity and an invitation and authorization for men to have sex with her. If the woman has had sex with the man in the past, or is in an on-going intimate relationship with him, this is also frequently considered as permanent authorization for the man to have sex with her. Women are held more accountable if raped by someone they know (Grubb and Turner, 2012), which is the case in the majority of rapes. Perpetrators of rape typically would not call their act “rape” either (Edwards et al., 2014).

The presence of the phenomena and attitudes described in this section are not simply theories or interpretative concepts of activism and academic inquiry. The degree to which they are approved by the perpetrator or to which they are customary in the wider society are recognised and documented risk factors of VAW perpetration and prevalence (WHO-LSHTM, 2010, pp.29-31; Harvey et al., 2007;

²⁰ Note that while this chapter did define gender-based IPVAW, it does not seek to define rape and SV, or identify precisely what counts as rape; the discourse on the proper object of consent and challenges to the concept of consent, and other related issues are introduced in chapter 4, which discusses feminist theories on VAW.

Jewkes, 2002; Jewkes et al., 2013). The section aimed to highlight that gender-based IPVAW and SVAW against women is motivated by hierarchical conceptions of gender and by widely echoed norms that justify the use of coercion and violence against women in enforcement of gender hierarchy, or at least minimise perpetrators' responsibility.

2.5 Harmful practices against women

Gender also plays a significant role in a variety of violent practices against women that are prevalent only in particular communities or regions. This section discusses such practices, divided into two – interrelated – categories: looks, body and chastity-related violence, and marriage- and dowry-related violence. The collection of practices mentioned in this section is by no means exhaustive. Practices that are included were chosen on the basis of prevalence and their capacity to illustrate gendered dynamics in addition to and in relation to those explained in earlier sections. Note that just as SV, and IPV and family violence have overlaps, harmful practices overlap with the categories of violence previously mentioned. For instance, dowry violence (often involving context-specific methods such as immolation or acid throwing) falls within intimate partner or family violence.

Looks and body-related cultural practices typically seem to concern chastity, and serve either as “preventive” measures against women’s promiscuity and supposedly inappropriate sexual behaviour, or as punishment for the perceived occurrence of these, enforcing gender norms. Amongst such practices, the most grievous is murder for (perceived) infidelity or inappropriate sexual behaviour, called honour killing or murder “in the heat of passion”, mentioned earlier. Beating and abusing women for this reason within IPVAW is also prevalent. Acid attacks/throwing is also a method of IPVAW in punishment for such behaviour, most prevalent in Bangladesh, Cambodia, India and Pakistan, and also reported in Afghanistan and in parts of Africa and Europe (UN Women, 2012b).

The most well-known and widespread form of looks- body- and chastity-related violence is female genital mutilation (FGM), prevalent in Africa, Asia and the Middle-East and in immigrant communities from these regions of origin (UNICEF, 2010). Contrary to popular belief that the mother decides, or the parents decide together, in most FGM-practicing communities the father has the authority

to decide about the procedure, but if he does not agree, the family of the father may be given authority (Monagan, 2010). FGM is seen as a rite of passage (Moges, 2003), although the age at which it is performed varies from childhood to puberty to the time of marriage or birth-giving (UNFPA, 2017). It is practiced in communities of Muslim, Christian, animist and other religions alike (Moges, 2003).

The most effective preventive method of FGM so far seems to be education. Its prevalence decreases where women as well as men receive education, since educated women are less dependent on marriage for subsistence (i.e. are less reliant on complying with the norm of FGM for marriage) and educated parents are less likely to participate in maintaining and perpetrating the practice (Nkwo and Onah, 2001; Diop and Askew, 2009; Dandash et al., 2011). Where FGM is widely practiced, men are disinclined to marry women who have their genitalia intact, and as being an unmarried woman is a highly disadvantageous option in the given socio-economic and socio-cultural context, this leaves little choice (Moges, 2003). Women who do not undergo FGM and are not married often face excommunication from their community, outside of which they have few options to make a living and face further risks of rape and violence. Therefore, many women accept the practice as part of their destiny as a woman, and parents participate, as they fear that without it their daughters cannot marry and therefore will be outcasts and have little chance to survive (Monagan, 2010). Nevertheless, FGM persists also in immigrant communities in contexts where girls and women have better chances.

FGM has several types, from the removal of all the external genital organs of girls or women (the clitoris, labia minora and majora, type IIc) through the narrowing of the vaginal orifice with or without the mutilation of the clitoris (type III) to “only” the removal of the clitoris (type I) (WHO, 2008). The organs removed are the ones primarily responsible for female sexual pleasure: their removal is to guarantee that the woman will stay a virgin until her marriage and when married, will not be promiscuous (Monagan, 2010). FGM thus represents the woman’s chastity, purity and cleanness. That is, underlying FGM are similar patterns as those discussed in the previous section: men’s entitlement to “their” woman as sexual objects. The idea that the practice is necessary to ensure women’s virginity and later, fidelity suggests a perception of women as sexually unreliable and to be tamed. The consequences of forgoing FGM are dire; the social sanctions place uncut women at risk. This means that the practice of FGM takes place in the context

of strong enforcement of hierarchical gender norms on part of the wider community.²¹

Another looks- and body-related practice is breast-ironing, practiced primarily by mothers on daughters in Cameroon, in order to mask sexual maturity and prevent sexual attention and violence against them, hoping that they will be perceived as boys (Innocent et al., 2012). In this case, in contrast to FGM, the presumption is not that women cannot control their sexual urges, but that men will not control their own. The sexualisation of women and girls' bodies is evident in either context. Even though breast-ironing is perpetrated by mothers, it is the high prevalence of SVAW that gives rise to it. As SVAW is motivated by male entitlement to women as sexual objects, this practice also finds its roots in gender.

The same sexualisation of women underlies practices that target increasing girls' and young women's attractiveness. The forced feeding and fattening of women in Mauritanian "fattening farms" serves the purpose of making young women attractive for marriage (Guerrero, 2013). Women's value is closely tied to how desirable a sexual object they are in potential grooms' eyes. In a Western context, it could be argued that restrictive diets imposed on young girls by their families is similarly motivated not only by health concerns, but also beauty standards.²²

There are several practices related to the giving away of girls and women to be wives that qualify as gender-based and gendered VAW. The treatment of girls and women as property to be bought and sold for the purposes of marriage (or for prostitution) or alternatively, paid to be rid of, as objects of prize or objects of burden, is prevalent throughout history in many societies. Kidnapping or abducting women to marry or to sell to marriage is prevalent in some African countries and communities (Okoli and Agada, 2014), Central Asia (Werner, 2009) and China

²¹ Some frame the practice a form of anti-colonialist cultural resistance (Njambe, 2007) and that some consider its international condemnation demonstrative of a neo-colonialist attitude, generating a wide discourse on whether the practice should be considered and addressed as "mutilation", "circumcision", "cutting", or in medical terms, "clitoridectomy" and "infibulation", or local names. For further discussions on the relationship between the history of colonialism and the prevalence of VAW and harmful practices in colonised regions, and on the permissibility of condemning harmful practices in non-Western societies, see chapter 4.

²² Starvation of girls and women is also prevalent in contexts of extreme poverty, although not for the purpose of sexualisation— when there is scarcity in food, families tend to prioritise the feeding of boys and men over that of female family members (Messer, 1997; Quisumbing and Maluccio, 2000).

(Biddulph and Cook, 1999). Doing so for the purposes of prostitution is spread wide across the globe, and is known as sex-trafficking or sexual slavery. Recently, the two developed overlaps, with the virtually unregulated mail-order bride industry trafficking women and girls internationally, typically from poverty-stricken regions to more prosperous Western countries (Lloyd, 2000; Zhang 2013). The similar practices of forced marriage and giving and marrying away girls as child-brides²³ are unquestionably forms of VAW, for the girls cannot be considered to consent, and once the deal between the two families or between the man and the family is made, have no way of escaping it. This establishes a coercive controlling context first by the girl's family, and later by the adult husband. The treatment of child-brides as objects rather than persons is especially blatant when the girls are sold by their families, and their husband purchases them (bride price).

The custom of paying a bride price (in money or cattle) is strongly intertwined with gender norms. The role of the bride price could be interpreted not as buying the bride, but as a gesture to demonstrate to the woman's family that the man will be able to provide for her and their future family, or to recognise the woman's importance (through her future productivity and contribution) to the marriage (Anderson, 2014). One might call this a benevolently sexist interpretation. Such an interpretation presupposes the gendered norms of the man as breadwinner and the woman as financially dependent. Under this view, even though paying a bride price gives a background context in which abuse can easily emerge, in itself it does not constitute violence. Paying a bride price may be only symbolic, a token of tradition in societies where bride price is traditional but the couple is "modern" and chose one another out of free will; this in itself is clearly not a form of violence. However, bride price in its literal, non-symbolic sense need not involve the bride's consent – especially in the case of young girls –, and it can easily be interpreted as the selling and buying of the bride. This reading seems more realistic, as men report that they feel entitled to exercise authority over the bride they purchased (Kaye et al., 2005).

²³ The question of who qualifies as a child, and whether there should be a global definition for this, is contested, given the various ages in which girls are considered to have become adults in distinct societies and cultures, and the differences in defining factors (age, physical maturity, mental maturity). Unfortunately, exploring the issue of defining what a child is extends beyond the scope of this chapter.

The custom of dowry proceeds the other way around: it is the transfer of money and/or goods to the groom by the bride's family. While the practice of paying dowry has practically disappeared in Western societies, it is prevalent to different degrees in others, most notably in India (Sharma and Gupta, 2004). Again, one might suggest that dowry is (similar to bride price) originally a benevolent sexist custom, a "pre-mortem inheritance (...) set up to protect property given to women" (Anderson, 2014, p.170), or that it could have an effect to increase women's bargaining power in the household. In reality however, women rarely stay in control of these funds, and the custom serves as yet another motivator of violence (Anderson, 2014).

Dowry in India, where it is most notable, is deeply intertwined with gender norms and -inequality, with causality between the practice and the wider gender context going both ways. Prioritisation of men's education over women's education results in a devaluing of women through their inability or relatively lower ability to contribute to the financial maintenance of the household, compensated by the dowry (Self and Grabowski, 2009). Since parents may also count on men's earning capacity as opposed to women's prospects, and since marrying female children off in dowry-cultures is expensive, parents prefer to have male children (Self and Grabowski, 2009) — the same notions also contribute to female foeticide and infanticide (Das Gupta et al., 2003).²⁴ Contrary to hopes, in the case of educated and working men and women, the rates of dowry as a marital practice do not seem to decrease (Sharma et al., 2002); instead, control over the wife's earning, once married, makes for a new form of paying dowry (Chowdhury, 2010), the custom of dowry thus establishing another path to coercive control.

Dowry violence is when the husband and/or his family, out of dissatisfaction with the dowry (finding it insufficient or late), attacks, harasses and/or murders the bride/wife typically by using acid, burning her ("bride burning" or "wife burning") or poisoning her (Peters and Wolper, 1995; Sharma and Gupta, 2004). Men might also murder their wives after they received the dowry but want to enjoy it by themselves, or so that they can remarry, pocketing more dowry from a new marriage

²⁴ Female foeticide and infanticide is also prevalent in non-dowry societies, such as China, for similar reasons (effectively exacerbated by the one-child policy), and additional social customs of kinship and lineage, which are reproduced through males (Das Gupta et al., 2003). Patrilocality increases a preference for boys and the willingness to invest in their education, as this yields returns for the parental family later on, whereas women join their groom's family.

(Peters and Wolper, 1995, p.53). It is difficult to assess the number of dowry-related murders, as they are vastly under-reported; the National Crime Records Bureau of India recorded 8803 dowry-murders in 2013 (the National Crime Records Bureau of India, 2014), while estimates for India suggested 15.000 dowry-murders a year, and 25.000 worldwide (Sharma et al., 2002). While some statistics seem to suggest that the number of dowry-murders is declining, there is a suspiciously high prevalence of “kitchen accidents” leading to burns and death amongst newly-wed, young women (Sharma et al., 2002). Dowry and dowry-violence in India, Pakistan and Bangladesh is prevalent across religions (Anderson, 2014).

I ought to note that in some contexts, the very reason for child marriage is dowry, as a lower dowry is demanded for young brides, so giving away daughters at a young age is less burdensome for girls’ families (Chowdhury, 2010, p.205). Globally, bride price seems to be in decline and dowry seems to be on the rise, even taking the place of the former in some societies, with the exception of China, owing perhaps to the “supply-demand” conflict resulting from a lower female population (Anderson, 2014). The two practices can also coexist within the same society.

Underlying the violence resulting from, or inherent in marriage-related economic practices are gendered notions about the value and role of women, and the entitlement of husbands. This section aimed to show that even if looks-related and marriage-related practices vary vastly, or might even seem the opposite of one another, they are similarly rooted in, express and reinforce hierarchical gender roles and norms, and express patterns of women and girls’ objectification and sexualisation, and male entitlement similar to and intertwined with those discussed in relation to SVAW and IPVAV.

2.6 Standard inequalities in heterosexual relationships: the backdrop of VAW

So far, I discussed various types and forms of VAW, and gave an overview of the main gendered patterns that emerge in their practice and social context. I argued that “normal”, customary state of affairs in families, relationships, sexuality, and marriage practices, and the norms surrounding them, provide a good ground for VAW to develop. Elaborating further on this point, this section brings in three, further issues: the choreography of romantic heterosexual love; gendered intra-

household inequality and bargaining dynamics; and unequal exit options (the availability of divorce and prospects upon divorce).

Feminist criticism regarding the mythology of romantic love is abundant. Here, I only want to highlight that possessive behaviours considered early warning signs of abuse are often coded by the woman involved, and those observing the relationship as “romantic” expressions of love, and romantic myths also serve to justify violence (Yela, 2003; Esteban et al., 2005; Sanpedro, 2004; Borrajo et al. 2015). This is because social codes and norms of what is considered “love” and “romantic”, of what a “normal” progression of a relationship looks like, are closely intertwined with hierarchical norms of gender (Friedman, 2003, pp.115-162).²⁵ Examples of such behaviour include jealousy, constant communication, an excessive interest in the woman’s whereabouts at all times, early mentions of a common future, attempts at “entrapment” by relatively fast escalation of the relationship such as moving in together, proposal, or planning children (Stark, 2007; Herman, 2006). The fundamentally gendered romantic myths often giving rise to violence and justifying violence are also present in informal relationship types (García and Soriano, 2017).

The above is, of course, only relevant in social contexts where men and women date/marry on the basis of mutual romantic interest; in many societies, this is not the case. In settings described in the previous section, where girls and women have little to no say in whether they will marry the interested man, the inequality is rather obvious. A shared pattern in both cases is that practices might be justified with benevolently sexist ideas (e.g. bride price as recognising women’s future contribution to the household), but in reality, they establish a dynamic of inequality that is a fertile ground for violence to develop. Consider for instance the custom of men “making the first move”, men proposing to women, or men asking for the woman from her family. When men do make these, apparently innocuous moves, it is considered romantic, in keeping with social codes and norms; if he does so in haste, this might be attributed to his intense “love” for the woman (or “dedication” where love is not expected to be a factor in choosing partners). Such relationship

²⁵ The norm of heterosexuality is also closely intertwined with gender (see chapter 4).

norms themselves – even if they do not escalate into IPVAW in the relationship – express unequal dynamics with men being “manly” in taking the lead.²⁶

I now turn to the issue of general intra-household inequality. IPVAW can be understood as an extension of more common gendered intra-household inequalities informed by norms and roles and designating worse economic positions, less bargaining power, less say in family decision making, and decreased exit options for women. In coercive controlling IPVAW, upholding grave economic intra-household inequality is a tool of abuse and entrapment itself, imposed by the abusive man and institutional structures aiding him (Stark, 2009) (see also next chapter). This is called “economic violence” or “economic abuse”, sometimes used to refer also to economic discrimination and restrictions on women’s access to resources imposed by non-partner agents, such as the state, workplace, or community (Fawole, 2008). Economic intra-household and social inequality, and general circumstances of poverty are also of importance as risk factors of IPVAW (WHO-LSHTM, 2010).

Much of the deprivation from resources that abusers in wealthier societies and social classes may impose on their female partners as an abusive technique of isolation and control, and a means to “entrap” them, automatically characterise the situation of many women in poverty. Entrapment can be exacerbated by situations of poverty and lack of access to education, both of which may limit access to legal redress (even if this is at least theoretically available). Yet even in wealthier social classes, victims of IPVAW may have no economic resources of their own. While usually all members of a family are automatically considered as belonging to the same social class, when viewed as individuals, women and especially women in abusive relationships may have considerably less resources compared to their male partners, or no resources at all if fulfilling traditional gender roles and having no income of their own from paid work. In this case, even if the woman grew up in a wealthier family, and her education makes her more likely and able to seek legal redress, her comparatively wealthier husband is likely to afford more expensive and more effective legal counsel than her (Buel, 1999), discounting some of the

²⁶ The above is not the only relationship-model from which abuse can develop; abusive men can also show a disinterest or only sporadic interest in women's lives, and may demonstrate a fear of commitment at the same time as a need to be in control. This script also involves a variety of gendered romantic myths and gendered socialisation.

advantage she may have compared to poorer abused women. Women in wealthier classes might also face a hard time escaping abuse and accessing legal redress because of social respect towards the wealthy abuser on part of authorities and presuppositions about the “wealthy” woman’s options and credibility on the part of service providers, law enforcement and judges (Bruns, 2014). In effect, this means that men in any social class are able to leverage their *comparative economic and networking advantage* to the detriment of their partners.

The difficulties of women in different classes described above provide a prime illustration as to why it makes sense to talk about “women” despite intersectional differences: the dynamics of IPV and the situation of IPVAW victims shares similarities across economic classes *as a situation in relation and in comparison* to their male counterparts. I.e., poor women tend to be poorer not only than wealthier women, but also than their poor batterers, similar to wealthier women, who also tend to be poorer than their batterers. While poverty, and marginalisation according to race or ethnicity might be an overall risk factor in victimisation – meaning that poor and minority women are at higher risk of becoming victimised by their partner –, once IPVAW is set into motion in any intersection, there is no reason to posit that the gendered dynamics and character of perpetration and victimisation is so different that it would disallow talking about “women”. For a further discussion on the differences and the similarities in women’s positions, please refer to chapters 4 and 5.

Amartya Sen’s (1987) theory of cooperative conflicts in intra-household bargaining addresses gender as a factor in distributive outcomes, and is a great tool to demonstrate the relationship between general intra-household inequality and IPVAW. The “bargaining” concerns the allocation of resources in the family and the general and everyday decisions regarding the family’s matters. Whether its outcomes will be favourable or unfavourable for the different members – i.e., whose interests will prevail –, is determined largely by differences in “bargaining power”. This power “depends on [the bargaining party’s] breakdown position but also on their perceived interest and perceived contribution” (Benería, 2009, p.213). The latter are strongly influenced by gender perceptions and roles, with (a) women’s labour typically perceived in a minimising fashion regardless of its real value by both men and women and by agents within and outside the family, and (b) women’s interests regularly conflated with, or subordinated to the children’s or the

“common” interest by both men and women (Sen, 1987).²⁷ This is especially relevant in contexts where women are viewed as primary caretakers and homemakers, and are either not allowed to take up paid work, or are expected to turn in their earnings to their husbands, who then decide over the allocation of the couple’s or the family’s financial or in-kind resources.

In the outcome of cooperative conflicts, the “powers of the two parties play a crucial part; for example, the more powerful party can obtain more favourable divisions of the family’s overall benefits and chores” (Sen, 2003a, p.324). Feminist economic theorists have elaborated Sen’s concepts to describe gendered family dynamics and allocation of powers, warning that we ought not assume that bargaining partners start out from a position of symmetry in domestic contexts, as in reality there is a gendered discrepancy in “voices” and in exit options (Katz, 1997). “Voice” refers to the different degrees to which women and men, according to gender perceptions, are allowed to even participate and, if participating, be heard in household decision-making processes. Exit options refer to the “ability to perceive and fall back on available alternatives to a cooperative solution” (Benería, 2009, p.214). The outlooks in the event of separation, which often differ for men and for women to the detriment of women, also means a difference in viable exit options, contributing to an unequal bargaining position (see below).

Social norms, rules and sanctions based on gender affect women’s bargaining power negatively. Norms regarding gender are likely to affect the specification of what is up for bargain in the first place; the constraints on bargaining power; and the construction of the bargaining situation itself (Agarwal, 1997). Gender norms can also affect the bargaining if they themselves are challenged, becoming potential subjects of the bargain and conflict (Agarwal, 1997). Some argue that paid labour, increasing economic autonomy and access to resources for women from outside the household (a gender non-conforming move in many societies) and the resulting reduction in time spent with partners functions to decrease the level of violence in “non-cooperative”, abusive relationships and helps reduce the prevalence of VAW overall (Farmer and Thieftaler, 1997; Dugan et al., 1999). Others argue that men perceive this as a threat to their

²⁷ Their children’s (perceived) wellbeing and interests also influences women’s decisions to leave or stay in abusive relationships (Choice and Lamke, 1997, p.302; Buel, 1999).

masculinity and gender roles and thus may compensate by “reinstating [their] authority over [their] wife” by increasing control and violence in a “male backlash” (Macmillan and Gartner, 1999, p.949). This means that if women obtain more equal positions in intra-household bargaining, men might use violence to reinstate their dominant position previously present by default.

The asymmetrical positions of power in intra-household bargaining between women and men owing to the factors discussed above result in unequal distributions typically to the advantage of men (UN, 2010; World Bank, 2012). This setup, as explained above, increases men’s potential to exercise coercive controlling IPVAW and women’s vulnerability to continued victimisation in abusive marriages, and shows that IPVAW is on a continuum with more general, nonviolent outcomes of gender norms and injustice.

After discussing the unequal patterns informed by gender in initiating relationships and marriage in this and the previous section, and in intra-household life in this section, I now turn to highlight some gendered patterns in separation and divorce, the differential “exit options” also influencing bargaining power while in the relationship. In IPVAW cases, divorce and exit options and outlooks are complicated not only by economic and legal factors (see below), but also by the potential of increased risk, or new risks of violence (Block, 2003). Where recent research is available on the economic prospects of men and women after divorce, these show that divorce has an adverse effect on women’s income, while men experience lesser set-backs or even an improvement in their income following divorce (Jenkins, 2008; de Vaus et al., 2015). This means that economically men have less to lose, or can actually gain from, exiting marriages, whereas women have a lot to lose, decreasing women’s and increasing men’s bargaining power.

While economic prospects are highly relevant, perhaps the institutional barriers of leaving are even more so. In many societies and communities, leaving a man after the couple got married is simply not an option, similar to deciding about marrying him. For instance, in ultraorthodox Jewish communities, and under some interpretations and applications of Islamic law, women cannot divorce without their husbands’ permission (Weiss and Gross-Horowitz, 2013; Bani and Pate 2015); and strikingly, in the Philippines, divorce is still illegal altogether on Catholic grounds (Gipson and Hicks, 2016). These rules, combined with the inequalities present in “regular” marriages in these contexts, mean that exit-options for women are

virtually non-existent, leaving it at the discretion of the husband to decide whether or not he will abuse his intra-household bargaining power to an extent that amounts to coercive controlling IPVAW.

In several countries, there are less overt but highly effective institutional barriers to leaving abusive men. In such contexts, in addition to the forms of IPVAW listed in section 2.2, batterers can engage in legal abuse, paper abuse or procedural stalking (Miller and Smolter, 2011). This is the continued controlling and blackmailing of the woman indirectly, through launching and pursuing lengthy, costly and threatening legal and bureaucratic battles in relation to divorce and child visitation/custody (Hayes, 2015). This is enabled by what one might call “bureaucratic abuse”: the selective application of policies and procedures on part of state institutions, officials and professionals, or the application of ill-designed policies and procedures, playing into the abuser’s hands (Wirth, 2009; Hayes, 2015). Similar to rabbis’ and religious courts’ role in ultraorthodox Jewish communities, who have the authority to compel men to grant a divorce but routinely refuse to do so (Weiss and Gross-Horowitz, 2013), state actors might also refuse to use their authority in ways conducive to achieving victim safety and independence, or even use it (intentionally or unintentionally) to increase risk. The case when the state enforces child-visitation for abusers and fines victims when visitation fails is exemplary of the latter (Jeffreys, 2006). Structural and institutional barriers and the gendered presumptions informing them are discussed in more detail in the next chapter.

2.7 Conclusion

This chapter has introduced concepts and theories that explain VAW not as an aggregative term for individual crimes against persons who happen to be women, but as a special type of violence that results from and takes place in gendered social, socio-cultural and socio-economic contexts, and that is a global social problem. Using theories emerging from empirical research, the chapter explained that VAW is “gendered” or gender-based not merely by virtue of its directedness towards women, but by serving to enact and uphold patriarchal gender-inequality and gendered norms. Individual perpetrators of VAW are clearly and directly

responsible for their violent acts. Meanwhile, the gendered context and norms, extending beyond the perpetrator, provide the necessary background conditions for the perpetration of this violence.

In particular, I gave an overview of IPVAW, SV (especially rape), and several harmful practices and highlighted various shared patterns characterising the motivation, social context and response to these types of violence, highlighting underlying gender norms. I discussed the recurring themes of victim blaming, male entitlement to exercise power over women and male sexual entitlement, women's objectification and sexual objectification, and "blurred lines" to explain why different types of VAW are considered "gendered" and gender-based. I asserted that responsibility for VAW is frequently misattributed or denied altogether (justifying VAW) through these social myths and attitudes. The chapter showed that the notions and norms about masculinity and femininity that motivate perpetrators are present in the perception of and reaction to VAW by third parties and the wider community.

The chapter explained that forms of coercive controlling IPVAW encompass more than individual instances of physical violence, and that the different types and forms of VAW overlap, with harmful practices related to mainly one of the two main (overlapping) categories of VAW: intimate partner, domestic and family violence. Figure 1 below illustrates these various overlaps.

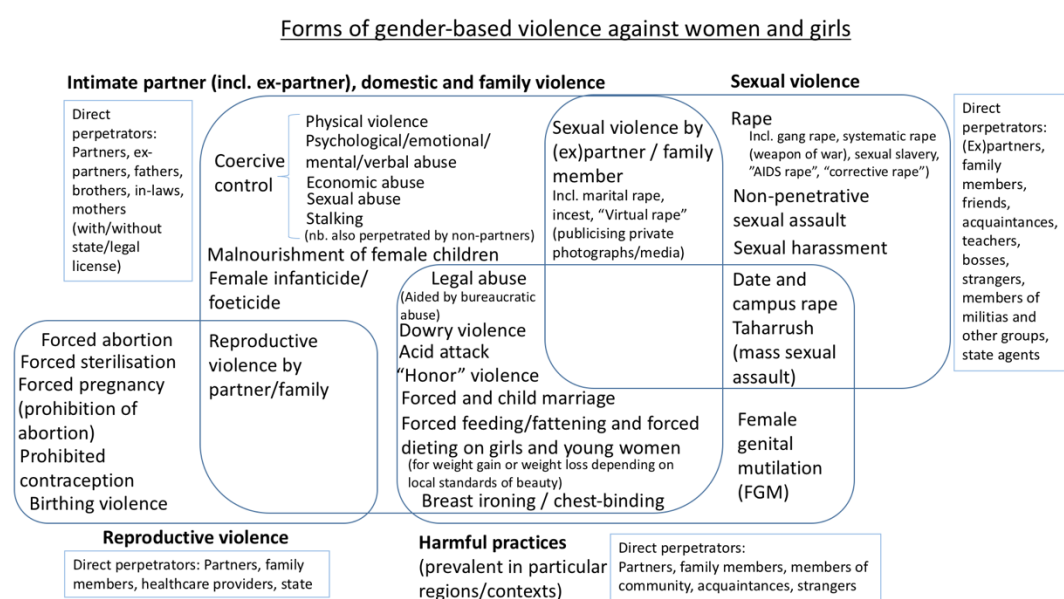


Figure 1 Categories and forms of gender-based violence against women and girls (author's elaboration)

I noted that the forms of control within IPVAW and family VAW might be present by design in the social and legal context, and/or can be aided by institutions. That is, the right to coerce women, typically the right of the husband to dominate his wife, might be granted without a need for the abuser to individually establish this dynamic. I also noted that reproductive violence against women likewise implicates the state and other non-partner, non-family agents as perpetrators.

The chapter also discussed how VAW and its varying forms are connected to more general unequal practices and phenomena in families, sexuality, and heterosexual relationships. I argued that while we ought to keep anti-essentialist concerns in mind, there are similarly hierarchical gender-dynamics at the heart of VAW and unequal relationship- and family contexts globally, and illustrated how these play out in diverse settings. The chapter aimed to show that although there are particularities and variations in the precise ways gender-norms and -expectations are constructed in various communities and societies, and therefore in the practical methods of VAW and types of perpetrators typically authorized to enact VAW, it is nevertheless gendered in a similar way across societies. The common trait of “genderedness” may be conceptualized as expressing and maintaining “patriarchy” (Hunnicut, 2009; Dempsey, 2006; 2009) and/or as the enactment and enforcement of “gender-norms” or “gender-roles” that establish men as superior to and entitled to dominate women.

The chapter started to introduce the argument that runs through this thesis: that the social and structural context in which VAW occurs, i.e. the context of gendered norms, gender inequality and patriarchal hierarchy, is the root-cause of gender-based VAW. This social-structural embeddedness and causation of VAW as a persistent and global phenomenon invokes a need to theorise it as a matter of global justice. The continuum connecting VAW and generally unequal relations between women and men, and the role of gender, conceptions of masculinity and femininity are further discussed in subsequent chapters. This continuum, and the relevance of analysing relations in what is traditionally considered the “private” as politically relevant, are further discussed in chapter 4, whereas the next chapter centres on developing the argument regarding VAW’s structural causation, focusing on the role of institutions.

3. National and international institutions and VAW

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3.1 Introduction

Mapping institutions' roles in the enabling and reproduction of VAW and the recurring patterns in the failure to protect women nationally and internationally is of key importance in the project of identifying the duties and duty-bearers implicated in the eradication of VAW. This chapter argues that regarding VAW, the responsibility is not only of individual perpetrators directly exercising violence, but also of national and international social and political institutions. We find evidence for this in the so-called upstream framework employed in the discipline of public health that distinguishes different levels/stages of prevention/causation in VAW (see section 3.2). This framework is useful for mapping indirect factors and root-causes in VAW, and related responsibilities. Bringing the upstream approach together with the preceding discussion and an analysis of various flaws apparent in national and international legal frameworks, institutional practices and processes, the chapter begins to identify the causal role and responsibility of states, cross-border entities and the international community in the structural reproduction of VAW. Subsequent chapters will expand on the exploration of these roles and responsibilities with the aim to build a conceptual framework to address them, inspired by feminist theory and the discourses on global and structural injustice in political philosophy.

The chapter starts by introducing the tertiary, secondary and primary levels of prevention outlined in the upstream approach and the risk factors and root-causes of VAW identified in global empirical research on the subject (section 3.2). Section 3.3 provides an overview of critical perspectives questioning states' commitment to international standards regarding the eradication of gender-based discrimination and VAW, and outlines flaws in legal and institutional practice and design on both the state and the international level in addressing VAW. The section argues that

institutional failures are not merely a matter of poor apparatus, but reflect gender based priorities, with justice systems and international legal institutions designed on the basis of men's experiences, and legal practice exhibiting sexist attitudes mirroring those expressed in society more broadly. I argue that the inadequate responses to VAW on the part of states has not only direct causal implications to already evident cases, but has a reflexive indirect effect. By allowing the use of coercion and violence against women that upholds men's entitlement to dominate women (which might apply also to cases when the direct perpetrator is not a man), official actors contribute to the reinforcement of gender hierarchy, of norms that constitute the root causes of the continued prevalence of VAW.

Section 3.4 puts forward another of the main arguments pursued in this thesis: that states are responsible in the reproduction of VAW not only by virtue of their inadequate response to VAW itself, but by contributing to gendered norms, roles and hierarchy constituting the root-cause of VAW also through a much wider set of institutions, policies and processes. The section supports this claim by examples of policy-areas that are currently part of perpetuating the structural context from which VAW arises. Section 3.5 raises a range of international implications that follow from a structural-causal analysis of global VAW. It discusses various international institutions and transnational processes that affect gender relations and gender equality negatively, and argues that these also contribute to the reproduction of VAW. Finally, it asserts that the universality of gender-based VAW and of gender as the root-cause of VAW necessitates thinking about VAW in the terms of global (in)justice.

The chapter aims to show that while adopting laws against VAW is necessary, even if such laws are enforced, this is not sufficient for eradicating VAW. VAW stems from conceptions of gender, from gender hierarchy and inequality, and eventually serves to reinforce these. Even if individual victims are protected and institutions do not contribute to the root-causes of VAW in the particular way of unofficially authorising VAW, the collection of not directly VAW-related, but gendered and inequality-producing policies, institutional, social and transnational processes will keep maintaining the root-causes and result in the reproduction of VAW.

3.2 Imports from the public health approach

The discipline of public health employs some terminologies and distinctions regarding the subject of VAW that are useful in the project of devising a typology of responsibilities in gender-based VAW. Approaching VAW as a “public health issue” or an “epidemic” yielded crucial empirical insight into its risk factors, root-causes, and corresponding strategies to eradicate it. The key concepts I will highlight now are the so-called upstream approach; the strategic categories of primary, secondary and tertiary prevention; and the “ecological model” of interconnected factors and levels in exposure to violence (Wolfe and Jaffe, 1999; Harvey et al., 2007, WHO-LSHTM, 2010).

Public health texts on VAW frequently refer to the upstream approach, which means that we ought to deal with matters of public health not only in terms of remedying past and alleviating existing suffering, but also by looking at and addressing risk factors and root-causes so that less people get into a precarious position in the first place (Harvey et al., 2007). The approach is based on a metaphor depicting public health matters, including VAW, as follows. There are some people on a riverbank, who notice a person drowning, swept away by the current. The onlookers jump in and struggle to save the person and get her to the shore. Soon after, they notice another person, whom they also save. This goes on and on, until at some point, one of them decides to go for a walk upstream by the side of the river, trying to find the reason why people keep being swept away, drowning in the river. Identifying and addressing that cause (or causes), goes the argument, is as important as saving those already swept away and struggling to stay afloat, so that more and more people do not get into such a precarious situation in the first place.²⁸ Interestingly, the metaphor may be used to describe an approach to both victimisation and perpetration; in either case, it is crucial to ascertain that people “do not get into the river” (become actual victims/perpetrators) in the first place

²⁸ The reconstruction of the metaphor’s “story” here is based on Harvey et al. (2007). The river-metaphor and inferences from it bear a striking resemblance to objections to the utilitarian use of the “pond metaphor” (Singer, 1971; 2009; Wenar, 2010; see chapter 6). The pond metaphor in global distributive injustice also concerns saving drowning people, representing people whose lives are threatened by extreme poverty, but the utilitarian reading of it only concerns the obligation to save them at one’s own expense, not the reasons for their predicament in the first place.

(Harvey et al., 2007), rather than just responding to the situation once they already perpetrated/are already victimised.

Identifying and addressing “upstream” causes is called primary prevention, contrasted with secondary and tertiary prevention (Wolfe and Jaffe, 1999; Harvey et al., 2007). Secondary prevention aims to spot developing precarious situations signalling oncoming harm and address these, while tertiary prevention concerns responding to harm and mitigating its effects once it is already evident (Wolfe and Jaffe, 1999; Harvey et al., 2007). These may be “understood along a continuum of possible harm” as follows:

- (1) primary prevention to reduce the incidence of the problem before it occurs;
- (2) secondary prevention to decrease the prevalence after early signs of the problem;
- and (3) tertiary prevention to intervene once the problem is already clearly evident and causing harm (Wolfe and Jaffe, 1999, p.133).

The first is to reduce the incidence of a certain type of harm *in general*, the second is to decrease the occurrence of harm once its likelihood is evident in the case of *particular persons*, and the third responds to past or ongoing harm in the case of *particular persons*.

The target-groups of each strategy are thus different. The first aims at wider populations, including groups at risk for becoming perpetrators or victims of violence. For instance, primary prevention may target men and boys and women and girls in general through awareness-raising and education programmes, or boys and girls in a high-risk group by virtue of witnessing or experiencing abuse as children, a risk factor for perpetration of VAW in the case of boys and victimisation in the case of girls later in life (Heise, 2011; Harvey et al., 2007). Reforms in criminal law can also be considered a primary prevention strategy insofar as punishment is an efficient deterrent before first perpetration and a credible normative message to the population that VAW is not to be tolerated (naturally, this only applies if the corresponding laws and procedures are enforced).

The second aims at particular persons that already exhibit behaviour signalling danger, such as men who exhibit sexist behavioural and attitudinal traits indicating that they are likely to commit VAW (Harvey et al., 2007). The third is geared towards particular persons who have already perpetrated harmful actions and towards particular persons already victimised. Examples include intervention programmes with known perpetrators, restraining orders against a perpetrator, or

removing a rapist from a college campus. Concerning victims, tertiary prevention might mean devising safety plans for women in abusive relationships to escape, or providing shelters for them. Teaching self-defence to women might also be considered a secondary or tertiary prevention strategy, as this knowledge is operationalised only when a harmful action is underway rather than pre-empting harmful actions prior to their occurrence (Harvey et al., 2007, p.6).

Primary prevention strategies should be informed by an understanding of an “ecological model” capturing the “interplay of factors at various levels” (Harvey et al., 2007, p.8) that result in lower and higher risks of VAW victimisation and perpetration for different individuals, recognising that there is not one factor that works as a singular predictor of violence (Heise et al., 1998; Krug et al., 2002). Ecological models explore how an individual’s likelihood to become a victim or perpetrator of violence “is influenced by factors at the individual, relational, community and societal levels” (Harvey et al., 2007, p.8). The most prominent risk factors on the various levels that appear relevant in various forms of VAW, and the identified root causes of these risks inform the primary prevention strategies suggested by the WHO and other experts.

The individual level consists of relevant (personal) beliefs and attitudes, personal history and biological factors. Of course, factors on the individual level do not develop in a vacuum; they are influenced by external stimuli from various levels, learned behaviours and internalised social norms. Individual biological factors also gain importance through the social significance attached to them. The relationship level concerns “close social relationships [that] influence the risk of violence” (Harvey et al., 2007, p.8). Community level factors “relate to the settings of social relationships, such as neighbourhoods, workplaces and schools, and characteristics of those environments that contribute to or protect against violence”, whereas factors on a societal level include the “underlying conditions of society that either encourage or inhibit violence” (Harvey et al., 2007, p.8). As illustrated by the table below, there are various risk factors of fluctuating relevance on each level, many of which are linked explicitly with gender, and some of which concern economic position, the effects of which are mediated by gender.

<p>Table A1: Factors associated with intimate-partner violence Factors associated with victimization</p>	<p>Factors associated with men's perpetration</p>
<p>Individual factors</p> <ul style="list-style-type: none"> • history of intimate-partner violence • being female • young age • first sexual intercourse at young age • heavy alcohol and drug use • witnessing or experiencing violence as a child • lower education level • employment (association varies by country) • for women, having a greater education level than their partners • for women, having a verbally abusive, jealous, or possessive partner <p>Relationship factors</p> <ul style="list-style-type: none"> • couples with income, educational or job status disparities • dominance and control of the relationship by the male <p>Community factors</p> <ul style="list-style-type: none"> • poverty and associated factors (e.g. overcrowding, neighbourhood disadvantage) • low social capital • lack of institutional support/weak community sanctions against intimate-partner violence (e.g. police unwilling to intervene) • social environment supportive of intimate partner violence <p>Societal factors</p> <ul style="list-style-type: none"> • traditional gender norms (e.g. women should stay at home and not enter workforce, should be submissive) • lack of gender equality • economic inequality 	<p>Individual factors</p> <ul style="list-style-type: none"> • low self-esteem • low income • low education level • young age • aggressive or delinquent behaviour as a youth • heavy alcohol and drug use • depression • anger and hostility • personality disorders • prior history of being physically abusive • having few friends, being isolated • unemployment • economic stress • emotional dependence and insecurity • belief in strict gender roles • desire for power in relationships • prior history of physical or psychological victimization or witnessing family violence as a child <p>Relationship factors</p> <ul style="list-style-type: none"> • marital conflict • marital instability—divorces, separations • dominance of the male • economic stress • unhealthy family relationships <p>Community factors</p> <ul style="list-style-type: none"> • poverty and associated factors (e.g. overcrowding) • low social capital • lack of institutional support/weak community sanctions against intimate-partner violence (e.g. police unwilling to intervene) • social environment supportive of intimate-partner violence <p>Societal factors</p> <ul style="list-style-type: none"> • traditional gender norms (e.g. women should stay at home and not enter workforce, should be submissive) • lack of gender equality • economic inequality
<p>Individual factors</p> <ul style="list-style-type: none"> • prior history of sexual violence • being female • young age • heavy alcohol and drug use • high-risk sexual behaviour • poverty • involvement in sex work • higher level of education and economic empowerment (for sexual violence by intimate partner) <p>Relationship factors</p> <ul style="list-style-type: none"> • couples with age, income, educational or job status disparities • dominance and control of the relationship by the male <p>Community factors</p> <ul style="list-style-type: none"> • poverty and associated factors (e.g. neighbourhood disadvantage) • lack of institutional support from police and judicial system/weak community sanctions against sexual violence • social environment tolerant of sexual violence • high levels of crime and other forms of violence <p>Societal factors</p> <ul style="list-style-type: none"> • social norms supportive of sexual violence • social norms supportive of male superiority and sexual entitlement, and women's inferiority and sexual submissiveness • weak laws and policies on sexual violence and gender equality 	<p>Individual factors</p> <ul style="list-style-type: none"> • heavy alcohol and drug use • attitudes and beliefs supportive of sexual violence (including coercive sexual fantasies) • impulsive and antisocial tendencies • preference for impersonal sex • hostility towards women • prior history of childhood sexual or physical abuse • witnessing family violence as a child • hyper-masculinity <p>Relationship factors</p> <ul style="list-style-type: none"> • association with sexually aggressive and delinquent peers • family environment characterized by physical violence and few resources • strong patriarchal relationship or family environment • emotionally unsupportive family environment • family honour considered more important than health and safety of the victim <p>Community factors</p> <ul style="list-style-type: none"> • poverty and associated factors (e.g. neighborhood disadvantage) • lack of employment opportunities • lack of institutional support from police and judicial system/weak community sanctions against sexual violence • social environment tolerant of sexual violence • high levels of crime and other forms of violence <p>Societal factors</p> <ul style="list-style-type: none"> • social norms supportive of sexual violence • social norms supportive of male superiority and sexual entitlement, and women's inferiority and sexual submissiveness • weak laws and policies on sexual violence and gender equality • economic inequality

Figure 2 Risk factors associated with IPVAV and SV (Harvey et al. 2007, p.36-37)

Note that the above applies to two particular forms of VAW: intimate partner violence and sexual violence (does not include practices such as FGM or reproductive violence if perpetrated by agents other than abusive partners). There are several key risk factors that characterise both IPV and SV, and confirm that it is reasonable to perceive of and address IPV and SV as interconnected issues under the umbrella of gender-based VAW, rather than as separate issues. Harvey et al. assert that:

[even if the relative importance of the listed factors cannot be clearly established], existing research suggests that effective primary prevention approaches for intimate-partner and sexual violence would include strategies to improve gender equality; to change social norms regarding violence, masculinity and gender roles and relationships; to reduce poverty and to strengthen economic and social safety nets; to promote healthy and equal relationships; to reduce alcohol and drug misuse²⁹; to have a particular focus on young people; and to prevent exposure to violence in childhood. (Harvey et al., 2007, p.9)

The factors playing a key role in IPV and SV, and that primary prevention would have to address, have a capacity to reinforce one another. For example, social norms of violence, masculinity and gender roles and unhealthy, unequal relationships mutually reinforce one another. The same, mutually reinforcing relationship exists between VAW itself and some of these factors, creating a feedback loop. That is, hierarchical gender norms and the various related attitudes encapsulated in the above factors increase the likelihood of VAW, and in turn, VAW reinforces hierarchical gender norms and related attitudes.

Ultimately, the factors identified as both increasing the risk of VAW and being in causal relation to VAW boil down to four basic notions. First, and most prominently, that VAW stems from the existence of hierarchical gender conceptions. Second, that childhood development and exposure to violence is significant. This point is mediated by the first as gender influences what the outcome of that exposure is likely to be. Third, the assertion that primary prevention ought to focus on children and youth suggests that socialisation in relation to the

²⁹ Regarding alcohol and drug misuse, it should be noted that the relationship between this factor and violence is different from the other factors, in that it is not a primary cause or a straightforward pre-existent risk, but a situational or contextual factor (WHO, 2007, p.6). Alcohol often serves to decrease the perpetrator's culpability and is often used as an excuse by the perpetrator. The role of alcohol in VAW also varies largely from country to country. Hence, addressing the availability and consumption of alcohol is more a matter of "harm reduction" than of primary prevention (WHO, 2007, p.6).

first and second point (gender and gender-mediated childhood exposure) is highly significant. And fourth, a lack of safety nets (including poverty) increases the risk of continued exposure to violence. Consequently, as section 3.7 will further discuss, the WHO suggests that “[d]ismantling hierarchical constructions of masculinity and femininity predicated on the control of women, and eliminating the structural factors that support inequalities”, and addressing poverty are the key to tackling the “root causes”, and thus to the elimination, of VAW (WHO-LSHTM, 2010 pp.35-36).

While the public health approach described above formulates the matter in terms of “prevention” of harm, it also illustrates how the *status quo* produces said harm. That is, primary prevention aims to address processes and factors that currently bring about harm – that get people into the stream, so to speak. Though the sources above do not explicitly express this, it is crucial to recognise that the processes, beliefs and attitudes currently in place on the various levels are not only unaddressed as a matter of failing primary prevention, but are actively maintained by the various actors implicated, including states on the social level and institutions on the community, social and global levels. This point is highly important in conceptualising the duties and responsibilities regarding the reproduction of VAW, as chapters 6 and 7 will show.

Identifying the different stages of prevention and different levels in the ecological model, along with the list of indicators above, helps map causation, the ways in which agents contribute to reproducing or maintaining VAW, and the various types of roles and responsibilities that individuals, states, national and international institutions and the international community have in the life-cycle of VAW. The remainder of this chapter introduces some of the main ways in which states and state institutions are implicated in this process from tertiary to primary stage and how international institutions are implicated on various stages.

3.3 State and international failures and flaws in legal practice and design

Recognizing the universality of VAW after decades of feminist activism, scholarship and advocacy, the international community has put institutions and conventions in place to address it (see chapter 1.4). The vast majority of currently existing states have joined the declarations, conventions and resolutions regarding

the eradication of discrimination and violence against women, at least as signatories. Most also ratified them and can thus face a reasonable expectation to have enacted corresponding reforms that aim to eliminate gender-based discrimination and VAW within their jurisdiction. Signatory states cannot plead ignorance of the existence of VAW, of its causes and of the basic minimal requirements to address it, and can hardly deny the necessity of acting in ways prescribed by conventions, declarations and resolutions that they joined. Failures on the part of states and on the part of international institutions that draw their power and authority from states and are coordinated by states should be examined in the light of states' understanding of VAW as a gender-based global social wrong that they ought to eradicate, and their supposed commitment expressed in jointly articulated international standards.

The extensive policies and statements in the international community would suggest that states and international institutions take VAW and its major root-cause and context, gender hierarchy and inequality, "seriously". Despite the commitment expressed by parties, however, there are striking shortfalls in state and international institutional conduct globally. Some countries do not have laws in place at all for the different types of VAW, much less services to aid victims. One third of countries have no laws against domestic violence, and only 52 countries recognise marital rape as a crime (UN Women, 2011, p.33). Many states have insufficient laws to prosecute and insufficient services to aid women in escaping impending violence, treating injuries, or providing legal redress, and services are often only available to women in more privileged positions (UN Women, 2011; CEDAW Committee, 2017). CEDAW reports and shadow reports show that in most countries, regardless of existing laws, there is a lack of enforcement and thorough implementation of existing laws, bringing insufficient results (CEDAW Committee, 2017). Globally, both prosecution and conviction rates of VAW are extremely low (UN Women, 2012a; UNODC-UN Women, 2014), despite the fact that in these crimes, unlike in many others, the identity of the perpetrator is largely known from the very beginning, as well as his whereabouts. Harmful practices, even where prohibited by law, also prevail due to the lack of enforcement and preventive measures. FGM is prohibited in most countries where it is practiced, yet millions of women are mutilated in these countries each year (Population Reference

Bureau, 2014).³⁰ The custom of dowry, which results in dowry violence, is banned in India, but it is common knowledge that the law is merely “ornamental” (Sharma and Gupta 2004, p.118).

As the UN Special Rapporteur on VAW noted, “VAW remains ‘endemic’ and the lack of accountability for violations experienced by women is the rule rather than the exception in many countries” (UNGA, 2013, p.19), and a similar lack of accountability towards states is present on the international level (UN, 2015b).

The Rapporteur expressed the need for two types of due diligence on the part of states:

- (1) Individual: “the obligations States owe to particular individuals, or groups of individuals, to prevent, protect, punish and provide effective remedies on a specific basis”.
- (2) Systemic: “the obligations States must take to ensure a holistic and sustained model of prevention, protection, punishment and reparations for acts of violence against women” (UNGA, 2013, p.19).

These two foci roughly correspond to the tertiary and the primary level in the public health terminology. The phrasing also lends itself to understand services for victims and prosecution of perpetrators as a matter of remedy and reparation. This thesis also aims to further this point in analysing state responsibility, arguing that the above are owed by states not only because of their special obligation to protect citizens from one another, but also as a matter of compensation for coercively imposing gender-reinforcing institutional structures that contribute to the reproduction of VAW.

The ineffectiveness of both national and international actors and processes invites much criticism. One line of criticism questions the effectiveness of international institutions’ and the international community’s approach specifically to VAW and gender equality, including the degree to which policies and conventions actually influence state policy and action, and the relevance to women “on the ground” (the use of these frameworks to local women tackling VAW). The other main line of criticism concerns the failure to express and apply gender-mainstreaming in already existent and new, *not* specifically VAW- and women-related policies in state- and international institutions. I will provide examples

³⁰ This source examines the prevalence of FGM in 29 countries, of which 25 have laws or decrees against it.

giving rise to these criticisms throughout this section, and briefly analyse their normative aspects.

In line with the first type of criticism, MacKinnon (1993) argues that while international articulations and declarations of rights and state obligations express a needed approach, they are abstract and toothless. Barely more than empty phrases on equality between the sexes,³¹ she claims that they do not result in the effective prohibition of unequal treatment of men and women in a way that holds the state, persons and groups involved accountable if this inequality is manifest. The CEDAW committee is not an international court: the most it does is reporting and recommending. Widespread atrocities against women are not considered war crimes to be adjudicated by the International Criminal Court, unless perpetrated in the context of war (as conventionally understood³²). Indeed, even in contexts of war, extensive efforts were required to persuade the ICC to consider such crimes (UNSC, 2008). VAW-related claims, if the violence is perpetrated by private actors as it typically is, have little chance in regional/international courts of human rights; although occasionally, when the violence is egregious, and the state blatantly ignores it, human rights courts might admit such cases and even find against the state (Tiroch, 2010). MacKinnon contends that “no state effectively guarantees women’s human rights within its borders”, and all violate the rules articulated in the international community, having each other’s backs in doing so “the same way men protect each other from accountability for violations of women” (MacKinnon, 1993, p.70). Rarely does the international community condemn non-adherence to conventions on VAW and gender equality; states are not accountable and do not hold one another accountable to adhere; several signatory states hold crucial reservations; and no state managed to eradicate or even radically reduce VAW so far. The UN Special Rapporteur on VAW in 2015 has also criticised the “soft” developments and called for establishing a binding international legal instrument and a body to hold both non-state and state actors accountable for VAW and for the lack of “realizing” women’s human rights (UN, 2015b, np.). She also emphasised “the lack of transformative remedies [to address] the root causes” of VAW (UN, 2015b, np.).

³¹ MacKinnon frequently uses sex and gender interchangeably.

³² I.e. not positing that there is a war on women, or that the prevalence of gender-based VAW amounts to a war on women, as MacKinnon and feminist critical IR theory suggests (see chapter 4).

Issues of efficiency and enforcement on the practical level bring to the fore some issues on a conceptual level. States' relationship to violence and power, their duties and responsibilities in relation to violence, is mostly theorised with regard to states' direct exercise of violence and power over citizens, resting on the presumption of state monopoly on legitimate violence, held across the international community (see chapter 4.2). In the contract theory tradition, the precise reason states are established for is the protection of citizens from one another, in exchange for which the state is invested with power and authority; failed states are those that cannot uphold this monopoly (Silva, 1996). One way to conceptualise VAW as a human rights violation is owing to such a failure — the failure to protect citizens despite responsibilities to this end — as opposed to a narrower interpretation of human rights that holds states accountable only when they abuse their power and monopoly on violence in directly perpetrating illegitimate violence. The narrower interpretation may be applicable to individuals representing official bodies and perpetrating VAW in that capacity, and may also apply to “abuser states” (see chapter 3.6). This thesis argues that it is not simply the failure to protect actual victims, but the use of coercive power to impose institutions that contribute to the root-causes and thus the reproduction of VAW that makes official actors culpable (see chapters 6-7).

A systematic failure to protect women specifically, and as part of that, to effectively prosecute VAW, affording impunity to perpetrators, is in effect an authorisation of VAW, which is supposed to be illegitimate violence, while supposedly states hold a monopoly on legitimate violence. Such systematic failures suggest that the state fails to recognise women as of equal moral worth and as citizens of full standing (Nogradi, 2016). MacKinnon's famous question, “Are women human?” (2006a) aims to point out exactly this issue. Focusing exclusively on prosecution and protection on the tertiary or secondary causal/prevention stages is insufficient, as I will show in the next section and subsequent chapters; the structural reproduction of VAW invokes a necessity of more than reactive measures to already evident harm. Yet protection (and prosecution) failure is highly relevant, especially as this reinforces the very structures VAW stems from, making tertiary level inaction a matter of primary level action.

On what corresponds to the tertiary and secondary stages of prevention in public health terminology, there are three main ways in which states can and ought

to directly intervene to protect victims of VAW or victims at immediate risk of VAW: legal action (e.g. protection orders, prosecution, conviction, imprisonment); services for victims (e.g. shelters, hotlines, healthcare, counselling); and services for known perpetrators (e.g. intervention, prevention, counselling). The legal prohibition and effective prosecution of VAW serves several purposes, some of which also aim at primary prevention. First, removing the perpetrator from society aims to prevent harm recurring against the same victim or against other potential victims by the same perpetrator. Second, insofar as effective legal action functions as deterrence (in the given perpetrator as well as potential perpetrators), it serves the prevention of VAW against deterred potential perpetrators' would-be victims. Third, serving justice to the victim strengthens her sense that she is entitled to security and freedom from violence, and establishes her as a citizen of full standing. Finally, the recognition of VAW as illegitimate harm, not only symbolically but in a way mirrored in legal practice and policy-implementation, sends a general message on a societal level; it serves to facilitate a shift in attitudes regarding men's entitlement to exercise power over, to coerce and to violate women. When the latter two effects are in place, these have primary-level implications as well as the tertiary level result of encouraging women to speak up and turn to the authorities when suffering VAW and receiving the protection they are entitled to as subjects.

Related to the first line of criticism asserting that states do not take VAW "seriously" and are not pressured to do so in the international community, pursued by MacKinnon amongst others, various themes emerge regarding states' and international institutions' inadequate legal design and practice. The first issue is, of course, when there are not even laws to combat (some forms of) VAW. Second, where there are laws, these often frame VAW and particularly IPV in ways disregarding the gender element, conceptualising it as a crime similar to any other but occurring within the home. Recognising violence as illegitimate (at least nominally) in private as well as in public, and consequently, as violence that *is* to be prosecuted, might be an important stepping stone in the process to take IPVAW "seriously". Yet a simplified "violence in a domestic setting" understanding means adopting policies in fully or largely gender-neutral terms, losing sight of underlying

causes and context and consequently, devising unfit policies and procedures.³³ This approach receives much criticism (see e.g. Buzawa et al., 2012; Welsh, 2008) especially because it typically means a focus on criminal justice without complementary emphasis on appropriate consultation with, and services³⁴ for, victims and consideration of VAW in other areas besides criminal justice, which require a gender-aware approach. Reflecting on IPVAW in an isolated manner within criminal justice means disregarding it in other kinds of policies, legal and bureaucratic proceedings – most importantly, state-regulated, -facilitated and -coordinated processes in relation to family law, divorce, and child custody (Hester, 2011). The issue of non-coordination is also exemplary of the second kind of criticism in states’ conduct, highlighting the lack of mainstreaming gender in not directly VAW-related policies, and might lead to practices like the prioritisation of batterers’ rights to child visitation over the victim’s (and children’s) security (Jeffries, 2016) and the possibility of what the previous chapter called “bureaucratic abuse”.

There are also examples of similar shortfalls on the international level regarding international non-coordination and inconsideration towards VAW in not specifically VAW-centred policies. For instance, owing in part to the lack of specific considerations on VAW in the Hague Convention on the Civil Aspects of International Child Abduction (HHC, 1980), women escaping abuse with their children to foreign countries might be deported, lose their children to the abuser and be charged for abduction (Edelson and Lindhorst, 2015; Salter, 2014). Even if VAW *is* considered in a case, however, destination states tend to tiptoe around the fact so as not to offend “international comity”, a concept representing a “fundamental trust and respect for the institutions of another country” (Quillen, 2014, p.628), confirming MacKinnon’s observation of states having each other’s backs rather than protecting women. In the IPVAW context, this means that “a judge in one legal system may assert, [...] that it would be offensive to another legal

³³ There are a few notable exceptions, such as Spain, where the feminist movement effectively shifted political discourse from a *domestic violence* conception to contain explicit reference to “violencia de genero” (gender violence), “violencia contra la mujer” (VAW), “maltrato de mujeres” (maltreatment of women) and “violencia machista” (macho/masculine/male violence), which in turn influenced some of the policies and legislation on IPV. Yet this in itself is not enough to effectively combat IPVAW, and other flaws such as non-coordination are also present in Spain (Lombardo 2016; Bodelón, 2014; 2012).

³⁴ For instance, shelters — the most basic form of services for victims — are in most countries few and far between, and are underfunded (The Global Network of Women’s Shelters, 2012).

system to suggest that it might not be able to protect a domestic violence victim or child who has suffered abuse” (Bruch, 2004, p.532). Given the well-known fact that most states do fail in effectively protecting women (whether out of inability or unwillingness), this attitude suggests that demonstrating “comity” between states is valued higher than the security of women (and children), and higher than states holding one another accountable if they fail to protect women. Holding one another accountable simply by not returning such women and children to the original state would not be an intrusive action, nor a very outspoken form of condemnation, but the above means that even *suggesting* that another state might have failed in protecting women is reason enough not to do it.

After the (1) lack of diligently enforced laws and (2) a gender-disregarding and criminal justice focused understanding of VAW and consequent problems, the third group of flaws involves employing unfit or outright sexist procedures and practices within legal design, law enforcement and criminal justice. This is subject both to the criticism regarding the inefficiency of VAW-related, issue-specific policies and that of failing to mainstream, or at least consider gender and VAW in generally applied policies. Prejudices against women held in societies, including victim-blaming and doubting women’s credibility, are echoed at the institutional level by design³⁵ or in response to victims seeking legal protection and redress (Jordan, 2004; Kelly, 2010; Reddington and Kreisel, 2009; Baldry et al. 1997; UN Women, 2011; Burton et al., 2000). Unfit procedures include applying customary dispute-resolution methods that put victims at further risk or make victims feel unsafe hence disadvantaging them in efficiently asserting their position and interests – such as mediation (Casas Vila, 2013) and religious and family courts (Benhabib, 2009, p.701). Similarly, applying the regular rules of testimony, cross-examination in questioning, and admissibility of evidence in cases of VAW often make effective prosecution extremely hard or even impossible, and again provide a disincentive for victims to come forward and pursue justice (Jewkes et al., 2002b; WHO-LSHTM 2010). Prosecuting SV often requires special methods of documentation and investigation that might be unavailable or conducted inappropriately, and rules of admissibility often exclude types of evidence relevant

³⁵ E.g. Courts presuming prosecutable adulterous conduct on part of rape victims (punishable by corporal punishment) unless the rapist confesses and/or requiring four male witnesses’ testimony to confirm rape in some states with Islamic law (Sidahmed, 2001; Imran, 2005).

in rape cases, hindering effective prosecution (WHO-LSHTM, 2010, p.36). That despite the clear need for special procedures taking into account the particular qualities and context of VAW, policies and legal practice apply similar rules as in other criminal proceedings, making VAW hard to prosecute, indicates a lack of political will to “take VAW seriously”. Additionally, the priorities and prejudices evident in these flaws are themselves indicative of, and reinforce, the notions that give rise to VAW in the first place.

Shortfalls in institutional design and practice inviting criticism for not mainstreaming gender and VAW are also present in international institutions. A crucial example is the omission of sex or gender as a legitimate ground for asylum in The Geneva Convention and Protocol Related to the Status of Refugees (UNGA, 1951; 1967). This means that if a woman is fleeing for fear of harm based on sex or gender, she can be deported back into harm’s way regardless of her origin state’s unwillingness to protect her and those like her (women) as rightful citizens.³⁶ Macklin (1995) argues that this exclusion mirrors the attitude of states on a national level: “just as local police are reluctant to intrude into the “private” sphere of the home, the international human rights regime is reluctant to intrude into the “private” sphere of domestic law and law enforcement” when it comes to women and VAW (Macklin, 1995, p.235).

The exclusion of gender as a ground from the asylum framework is reminiscent of the issue mentioned above regarding the design and implementation of policies and procedures unfit to accommodate cases of VAW in criminal law. The recognised grounds are ones based on which men (as well as women) are targeted for violence. The failure to recognise gender as a legitimate ground for asylum claims is arguably because men do not experience gender-based harms in large numbers and in ways directly perpetrated or condoned by their states, potentially amounting to gender-based persecution (Zeigler and Stewart, 2009, p.124; Parekh, 2012). Similar to national legal procedures and investigations, asylum law was formulated not taking women’s experiences into account, but building only on men’s experiences. Since men do not experience harm of this kind

³⁶ The UN published guidelines and handbooks (UNHCR, 1992; UNHCR, 2002) establishing that gender can be interpreted as a legitimate ground for asylum under other grounds (especially as social group), however, these guidelines are not binding as the original Convention is, there is no similar accountability attached to it: their implementation and the interpretation of each case depends on the destination country.

and in such high numbers based on their gender — on the contrary, are more likely to participate in its perpetration — the international asylum framework, just like states, failed to take it into account when formulating policies. Women also experience persecution based on the grounds men do, in the same way that they also experience crimes other than VAW, for which state protection and criminal justice procedures may be more adequate. But men are not targets of gender-based persecution and violence and hence these are not addressed in international frameworks and are inadequately so (if at all) in national procedures. Ziegler and Stewart succinctly make the point that the same reasons behind the existence of VAW are the reasons that it is not properly addressed in law — gender hierarchy:

Even though [men] may suffer sexual assaults, those assaults are not part of an accepted, institutionalized system of subordinating them because of sex. The fact that men are not similarly situated is part of the problem. *A policy developed with transgressions against men in mind cannot readily shift to accommodate the violence produced by patriarchy.* (Zeigler and Stewart, 2009, p.124, ea.)

While their assertion concerns international asylum law, it is certainly applicable to intra-state legal frameworks as well, not only on the practical level, but also analytically. Indeed, policies were historically formed to address and prioritise harms that men face, and authorised men's coercion and violence against women, albeit to varying degrees. That there are still systemic shortcomings in developing policies with transgressions against women in mind shows a continued lack of political willingness to ensure women's security and denying men's licence.

The ways in which protection and prosecution failure are manifest, outlined above, suggest that the fairness of trials and the treatment of victims as citizens equally entitled to justice is rather questionable, even if VAW is in theory criminalised. The principles of fairness and women's equal entitlement to justice and protection are violated unless due diligence is practiced by the state. This requires providing an institutional design capable of:

- (a) efficiently prosecuting VAW, including specific procedures tailored to the nature of VAW and suitable to work with VAW victims and survivors,
- (b) ensuring the safety of victims by services inherently necessary for this type of crime, and
- (c) coordinating policies outside of the realms of criminal justice so as to reflect awareness of gender-based VAW.

It is because of the prevalence of grave institutional shortcomings that NGOs, experts and practitioners working with VAW across the world advocate changes in law and legal implementation in their countries and internationally, instead of merely representing clients or organising awareness-raising campaigns. The issue is not only with the populace, which could be addressed by campaigns, or with the access to legal representation, which could be addressed by providing representation. It is also within the institutional structure itself, which reflects similar attitudes to that of the populace in which the violence occurs. It is not only that institutions and services are inadequate — this occurs in many fields — but that their inadequacy stems from gender-based priorities. In states where the types of transgressions that men (also) experience are more adequately addressed, yet VAW is not (despite innumerable studies and guidelines available to develop adequate state response), this reflects a lack of political will to address VAW, a failure not just of foresight, but a set of normative commitments and assumptions that underpin the priorities chosen. The lack of individual as well as systemic due diligence makes states responsible for the harm suffered as a consequence: states that fail to react to VAW effectively enable past perpetrators to re-perpetrate and send a normative message that perpetrators will not be held responsible and that VAW is acceptable.

The tertiary level protection failure evident in the treatment of VAW cases not only fails to protect particular victims, but enables the perpetuation of VAW, the continued risk of VAW to women *generally* (on what corresponds to the primary level in a public health terminology). States' attitude towards VAW, including the selective systematic failure to protect victims, a similar failure to prosecute perpetrators, and institutional designs that make these possible, is both itself symptomatic of, and results in upholding, gender norms and the inequality inherent in these norms. Since VAW is both a product of gender inequality and a tool of maintaining it, enabling VAW means responsibility both in facilitating its perpetration and in maintaining gender and gender hierarchy — that in turn leads to more VAW.

3.4 Maintaining gender and reproducing VAW on the state level

States also causally contribute to VAW on the primary stage of causation through a wider set of institutions that apparently have nothing to do with VAW *per se*. Insofar as various institutions of the state, and informal institutions the state has influence over, also contribute to and participate in upholding and reproducing gender and gender inequality/hierarchy, the responsibility of the state also lies in the reproduction of VAW by virtue of upholding its root cause. Using evidence as well as theory, this thesis argues that VAW cannot be eradicated unless gender is eradicated, at least gender as we know it, and that as long as formal/official and informal institutions work in a way that maintains gender³⁷, they participate in producing VAW.

The WHO and the London School of Hygiene and Tropical Medicine, in a joint, comprehensive study and report on global VAW, note:

[A]cknowledging the large scale and extensive consequences of the problem, scores of countries have passed laws to criminalize intimate partner and sexual violence, and many countries are increasingly providing legal, health and social services to abused women. At the same time, there have been remarkably few efforts to *prevent* intimate partner or sexual violence from occurring in the first place.

(WHO-LSHTM, 2010, p.3. ea.)

As I already mentioned, criminalisation and prosecution is not only a means of legal redress, but also has a normative role. Thus, effective state responses are important not only for direct intervention (tertiary prevention), but also on the secondary and primary levels. Yet the issue of VAW is deeper than how the state deals with the actual (impending, recurring or prior) cases or types of violence: criminalisation and prosecution alone cannot cease its reproduction.

While it is not fully predictable precisely which persons will become victims/perpetrators, as long as current conditions are kept constant, it is clear that many will. There are identified risk factors in VAW and established causal relations between social dynamics and institutions and the occurrence of VAW. This means

³⁷ The reader might notice that I used “gender” instead of “gender inequality”. While international documents and research recognise the deep causal relationship between gender inequality and VAW, it seems to me that gender inequality is an imprecise formulation of the problem, since the inequality between the genders forms part of the definition of the genders (the social meaning attached to the sexes), as does the hierarchy between the genders (also see chapter 4.4). Indeed, when researchers specify the ways in which gender inequality functions as a root cause of VAW, they refer to notions such as gender roles, gender norms, sexism, sexist beliefs, and gender hierarchy.

that VAW is not only a widespread, grave and foreseeable harm, it is also preventable, or at least, in the words of the WHO, “not inevitable” (WHO-LSHTM 2010, p.34). The fact that international agencies and regional and national organisations do not only measure current and past rates of victimisation in VAW (especially in the case of harmful practices) but make projections on the expected rates of VAW in the future (see e.g. UNICEF 2010; 2014) also testifies to its foreseeability. These projections indicate different rates if “nothing changes” and if certain steps are implemented, calculating the impact legal and educational measures may have if changed in a way to address gender and VAW.

Research has clearly shown that ideas such as “family honor and sexual purity”, “ideologies of male sexual entitlement” (WHO-LSHTM, 2010, pp.29-31) and strongly held gender norms and gender inequality, combined with and also expressed by weak legal sanctions all contribute to the prevalence of VAW globally (WHO-LSHTM, 2010; Jewkes, 2002; Jewkes et al., 2013; Fulu et al., 2013). The causal relation between these notions and beliefs regarding gender resonates with defining VAW on the continuum of gender norms and inequality, more precisely, as the most extreme manifestation of violence on the *continuum of violence* and as the logical consequence of gender, in which notions of masculinity as dominance and femininity as submission are manifest in their rawest form (see next chapter).

Rather than focusing exclusively on combating individual cases through prosecution, based on the analysis of strategies and causal factors, the WHO suggests that tackling the “root causes” of violence is a more promising method to end VAW. In the long run, this may be done by “[d]ismantling hierarchical constructions of masculinity and femininity predicated on the control of women and eliminating the structural factors that support inequalities” (WHO-LSHTM, 2010, p.36) and addressing poverty (WHO-LSHTM, 2010, p.35). In the shorter term, the analysis suggests that efforts to this end be complemented by preventing “primary perpetration” (WHO-LSHTM, 2010, p.34), i.e. before the first perpetration would occur by likely perpetrators (men, or in this stage, boys), for which the most promising tools are educational programs tailored to local contexts.

Let me reiterate: the above recommendation means that eradicating gender, at least gender in its current form which includes hierarchical notions of masculinity

and femininity,³⁸ and eliminating structural factors that support and perpetuate gender inequality, is necessary to tackle VAW. This is because keeping everything as is constitutes the “root cause” of VAW, the maintenance of gender (-hierarchy and -inequality). If this is so, a much wider set of institutions than those discussed above are implied as accomplices in causing VAW through participating in the maintenance of gender and gender inequality. Not only the legal framework related to VAW and social services for victims, but systems of education, national curricula, media and media law, family law, labour law and economic policy, electoral law, healthcare, in other words, virtually all policies and official institutions that constitute the overall institutional structure of the state fall under legitimate scrutiny. This is partly recognised by the concept of gender mainstreaming, but it means that the idea of gender mainstreaming does not go far enough, for it mainly examines whether new policies adversely affect women, not whether current and new policies maintain gender, the root-cause of VAW. Not only individuals, and not even only institutions directly implicated in preventing and responding to VAW, but a more extensive set of institutions, constitutive elements of the state’s, society’s, and the international community’s structure, are contributing to the causation of VAW by virtue of participating in the maintenance of gender (itself, by some definitions, an institution, as discussed in chapter 5), gender norms, roles and gender inequality.

Accepting the claim that not only is VAW (1) an outcome of gender inequality, and of (hierarchical) gender, but also (2) as the previous chapter has shown, it is a tool of maintaining and enforcing gender hierarchy (that is, gender) reinforces the point mentioned above regarding the reflexive effect of states’ failure to protect women. There is a mutually reinforcing relationship between gender and VAW: gender motivates VAW, VAW serves to enforce gender, which in turn motivates VAW, and so on. As I argued, by failing to protect women from VAW, the state authorises the (supposedly illegitimate) VAW, thereby enabling a tool to maintain hierarchical gender that will in turn serve, once more, to motivate VAW.

Taking a look at the reproduction of VAW through generations might make this point more tangible. Growing up in the context of domestic abuse, often

³⁸ I will later argue (see chapters 4, 5 and 7) that this indeed requires the eradication of gender as a relevant social category, as male dominance is inherent in the existence of gender categories, and the genders hardly have content without alluding to a power-relation between them.

encompassing abuse against both children and women, makes girls more likely to grow up to become abused women, while it makes boys more likely to become abusive men (Heise, 2011). Gender motivates IPVAV, and the IPVAV witnessed by children gives them the gendered idea that it is acceptable and normal (“legitimate”) for men to exercise power and violence over (their) women.

It is not only through the enabling of VAW that states participate in “root-causing” VAW on the primary level, however. To illustrate how a broader set of institutions that form part of the state, society and the global community contribute to maintaining gender, gender inequality and ultimately, VAW, some examples might be useful. Without going into much depth in analysing them, the case of education and that of media are highly salient.

In the case of education, gender and gender norms are woven deeply into school curricula as well as institutional practice (Fennell and Arnot, 2008). Female children in several countries are significantly disadvantaged in their access to education (Fiske, 2012), preparing them for a lifetime of dependence and relegation to what is traditionally perceived as the private sphere. Several states’ schools demand female and male children to wear different uniforms to school, enforcing gendered separation and norms. Curricula are often centred overwhelmingly on male historical figures and male authors, instilling in students a notion that ultimately, men are the relevant actors and men are endowed with more talent (Fennell and Arnot, 2008). Female and male students are frequently steered towards different subjects, and many teachers exhibit bias towards students on the basis of gender (Leeder, 2004). Violence and sexual harassment in schools are typically insufficiently dealt with, if at all. There is insufficient sexual education, if any: children and youth learn sexuality from other sources, such as the media.

In media and the advertisement industry all over the world, women are often represented as sexual objects – the harms of which I already mentioned in the previous chapter. Images of popular culture, growing ever more globalised and interconnected, are increasingly pornography-like, sexualised, erotic. Images of women depict unrealistic beauty expectations and appeal to the male gaze – that many women and girls internalise and that produce low self-esteem and psychological problems (Widdows, 2015; Widdows et al., 2016). Men in popular culture across countries are frequently depicted as persons with agency, while women are often sexualised (Smith et al., 2014). The unregulated flow of

pornography through the Internet informs many people's sexuality (Dines, 2010). Pornography depicting rape, beating, choking, fisting and humiliating women is commonplace (Dines, 1998; Dines, 2010).³⁹ Even "non-violent" pornography has problematic effects on people's sexuality, especially since children from a young age can access it, and adolescents worldwide are consuming it both intentionally and unintentionally (Dines, 2010; Peter and Valkenburg, 2016). Pornography and sexualised images of women contribute to the objectification of women, that is, to viewing women primarily as sexual objects for the enjoyment of men, instead of recognising them as subjects, as persons. Even less blatantly sexist media products, such as romantic movies or tropes in advertisements continually reinforce cumulatively harmful gendered messages. While censoring such content is likely not the right solution, if we take seriously the claim that VAW is an outcome of unequal conceptions of gender, the issue does necessitate scrutiny.

Both education and the media have a vast impact on socialisation: on individuals' internalisation of social norms and patterns of behaviour throughout the course of their life, but especially in their childhood. As highlighted above, it seems that altering the messages conveyed to children and youth throughout their formative years is a highly relevant strategy of VAW-prevention. The notion that socialisation matters for justice is not new in political philosophy. Notably, Rawls emphasised the importance of children's socialisation to develop a sense of justice and named the family as the first school of justice (Rawls, 1971; 2001; Costa, 2010; Okin, 1996). Yet he did not demand principles of justice to be applied in families, nor to ensure that the basic structure of society is ordered in a way that families internally become just, inviting valid criticism from feminists (Okin, 1989; 2005). The family, education, and media are all either institutions themselves, or are institutionalised and shaped and regulated by laws and policies, and they all seem highly relevant in engraining gender in social and global-social life, constituting them as schools of injustice rather than schools of justice (Okin, 1996).

It might be argued that a demand for extensive reform and the introduction of new policies to serve the eradication of hierarchical gender conceptions and, by

³⁹ The issue of pornography, and whether pornography itself constitutes rape is a contested subject. I would note that at least violent pornography that links the torture of women with pleasure on the part of men, or pornography showing women who do resist but end up ecstatic to have been raped, arguably constitutes incitement (Adams, 2000).

proxy, gender inequality and VAW, in most or all institutions is extremely interventionist. There are two ways in which I would respond to such an objection. First, state intervention that serves the prevention of harm (that is harm in the strictest sense), even by a liberal account, is justified, and gender injustice that stems from the social categories of gender is the root-cause of egregious VAW, as I aimed to establish and will further impress in the coming chapters. Second, I would argue that state authority is *already* present in the relevant areas, even in liberal states: it would not be increased, but changed, applied differently.

Susan Moller Okin, in her criticism of Rawls (Okin, 1989; 1996; 2005) argues that laws and policies that presume a gendered division of labour and reproduce gender injustice are already present and should be changed if inequality is to be eliminated. One, clear example is that of conflicting work hours and school times (Okin, 2005, p.244; MacKinnon, 1987, p.37): nominal, legal equality between men and women may be in place, but this will not eliminate the actual inequality stemming from the system, which assumes a primary carer for children and assumes workers have no domestic and childrearing responsibilities. States thus already exercise authority in maintaining divisions of labour in a gender-unjust way.

States also already exercise authority over education, as well as media and advertisement. In education, they do so, for instance, by having national curricula, legislation on schooling and policies on how state schools are to be managed. With regards to media and advertisement, states have national media in which they could freely apply rules and content consistent with equality, rather than gendered inequality. States also apply limitations on hate speech and incitement, or compulsory advisory tags on certain advertisements and products (think age-ratings or compulsory warnings on alcoholic and smoking products). Note that the latter types of regulation aim at harm-reduction (understanding harm in some cases in a strict, in others in a wider sense), as would reforms for the elimination of VAW. It is a mistake, then, to describe interventions in areas like education, media and advertising or labour policy that aim to reduce gender hierarchy as unusually intrusive or as wholly new interventions. Rather, such interventions would be corrective of gender-perpetuating *modus operandi* that already exist in these, and more policy areas. Such a shift would certainly mean a challenge and significant

change in policies, yet it would replace and/or extend existing political and institutional practices rather than create wholly new ones.

I intend to impress here that the state is *not* passive or inactive when it does not foster gender equality through the policies and institutions in place; by implication, not fostering gender equality means (participating in) the *perpetuation* of gender-inequality, since that is the default mode of functioning documented in all societies. This inequality serves as a root-cause of VAW in societies. *Maintaining* such a context is itself *action*, not the mere lack of action with respect to dismantling that context. Although there is a pre-existent setting, the changing of which undeniably requires action, there is no way *not* to “act” about gender; perpetuating a way of functioning and a structure that is known to result in harm is an *action*, and a harmful and wrongful one at that, which results in the reproduction of violence that is an outcome of that structural context. Feminist theorists’ and political philosophers’ work on this argument will be discussed in chapter 5, along with the discussion of the concept of patriarchy. Building on that discussion, this point will be further elaborated in chapters 6 and 7, which propose a preliminary account on how we might attribute responsibilities based on the various kinds of causal contributions different agents make in the reproduction of gender and VAW.

3.5 Implications on the international level

This section highlights four major themes regarding the global level and transnational connections in the reproduction of VAW. First, the effect of economic policies in perpetuating structural causes by maintaining gender inequality and poverty. Second, the gender-perpetuating contribution of industries operating transnationally. Third, the character of VAW as a *global social wrong* in that underlying it is a similarly hierarchical notion of gender. Finally, the resulting “interchangeability” or similar “exercisability” of VAW between nationals of different states and across borders, including processes beyond cross-national individual perpetration. I also discuss the case of “abuser states” and representatives of official power that perpetrate VAW directly. The international level is also discussed further in chapters 5.4 and 7.7.

On the international level, in addition to not amending historical conventions so as to include reflection on gender-based inequality, discrimination and violence against women, it is questionable whether gender-mainstreaming is implemented in new measures, institutions and mechanisms. Even after having recognised the importance of gendered impact-assessment, austerity measures and economic policies the IMF and the World Bank imposes upon poorer states take a toll on gender relations, women's equality and economic vulnerability (Jaggar, 2014a; 2014b; 2014c). In the United States and the European Union as well, gender equality has been treated as a "luxury" policy in and after times of economic crisis or recession (Karamessini and Rubery, 2014). Performing the work of the social services curtailed by structural adjustment programmes tends to fall back on women in the form of unpaid care work once the state decreases spending on them. Arguably, states and international economic institutions implicitly count on women taking up the slack; and the work falling back on women pushes them into a vulnerable (and often dependent) position, increases the burdens on women, and strengthens gender inequality. Cutting social expenditures also impacts victims of VAW directly, significantly decreasing services for them where such services and social spending normally exist (EWL, 2012; OHCHR, 2014); and investing in establishing services necessary for victims is certainly not aided by austerity where they do not exist. More broadly, IMF economic policy and measures that strengthen markets and weakens the state have a negative impact in increasing the prevalence of Human Rights violations in general (Abouharb and Cingranelli, 2009, p.50). Global economic processes that contribute to global poverty also contribute to VAW, since poverty is a risk factor increasing the likelihood of VAW. Jaggar warns that we ought not over-focus on poorer states' responsibilities in eradicating gender injustice within their borders, for "the sovereignty of most less developed countries is radically limited by their being economically integrated into a global system over which they have little control" (2014c, p.191).

It is clear that global factors, including economic processes and policies governing those processes have a profound impact locally. Furthermore, through transnational labour outsourcing and globalised business relations, there is international influence in basic frameworks across distant countries, impacting working hours and other conditions of employment. These, as I noted, have profound gendered implications, and contribute to maintaining inequality. Insofar

as gender-based VAW is a product of gender inequality, this also invokes responsibility for VAW across states. From the areas of policy mentioned in the previous section, those that have a global market and influence also invoke transnational responsibilities; the media, beauty and advertising industries are notable examples.

It is also important to remember that gender-based VAW and gender injustice is a *global social* problem. As this and previous chapter also showed, gender-based VAW is a global phenomenon. It exists and is causally rooted in (similarly hierarchical) gender everywhere, albeit there are certainly variations in the gravity of gender inequality and the prevalence and forms of VAW, as well as in the degree of states' active involvement and role in its perpetration and perpetuation. While poverty is a risk factor for VAW – poverty in a globally comparative sense as well as in a nationally comparative sense – VAW is also prevalent in rich countries and rich social classes within societies. The “kind of people” against whom violence is perpetrated on other bases, such as nationality, race or religion are not necessarily the same group everywhere; different dominant groups' members may target different oppressed groups' members on the basis of nationality, race or religion in different local contexts according to political, social or traditional norms, historical tensions and oppressions.⁴⁰

Jaggar conceptualises the varying yet similar and related dynamics in global gender relations detrimentally affecting women as *transnational cycles of gendered vulnerability* (Jaggar, 2009; 2014b) (also see chapter 5.4). She asserts that gendered vulnerability may be based on similarly gendered grounds but affecting women differently according to their position. For instance, women are associated with domestic labour globally. While in less wealthy families and countries, women are expected to perform domestic labour unpaid, which results in vulnerability, rich women in rich countries can afford not to perform domestic labour but their families hire migrant domestic workers, also women, to do that job for a low pay and under

⁴⁰ Another type of violence that shares characteristics with VAW is violence against LGBTIQ persons — in that in every country, this violence exists and the same “kind of people” (gender-conforming heterosexuals, typically men) target the same “kind of people” (gender-nonconforming and homosexual people), and in that it is gender-based in the strong sense, i.e. its perpetration has to do with the non-adherence to and enforcement of gender-norms (such as “corrective rape”). Violence against LGBTIQ people is perpetrated also directly by several states in a similar manner as VAW is. Note that, were the root-causes of VAW, gender and gender inequality abolished, violence against LGBTIQ people would likely also fall, since enforcing gender-adherence or punishing gender non-adherence would cease to be a motivator.

vulnerable working conditions, such as tied visas or illegal employment. In the case of VAW however, unlike in Jaggar's paradigmatic example of domestic labour, there seems to be more similarity in women's gendered "vulnerability" across classes and nations. Her model might still be useful to describe the "cycles" of sexual violence in the form of prostitution and trafficking, and the business of mail-order brides, both of which involve a flow of women from poorer to wealthier regions while the underlying "gendered-ness" is shared across regions. Yet these do not involve the liberation of any woman from the risk of violence in a similar fashion as wealthy women (families) become exempt from performing domestic labour through employing migrant workers.

Violence against women, because it is similarly gender-based globally, is easy to import and export. Men may travel across the globe and perpetrate it elsewhere in the same way as in their home country; and women may travel or be trafficked across the globe and become victims of VAW in the same way that they might become victims in their home country. Perpetrators and victims might have different nationalities, and the crime may happen in either one's origin country or elsewhere: gender-based VAW and its underlying causes are not context-specific enough to disallow this.

Men in political and legislative, juridical, law-enforcement and military roles in their home country, abroad, or as representatives of international bodies also perpetrate VAW. They might perpetrate against women they know, or specifically in their role *as* official representatives of state or international institutions and power, using and abusing that status and power. For instance, SV against detainees by law-enforcement and military personnel and SV against refugees and locals by UN peacekeepers and other personnel are well-documented phenomena (Levin, 2003; Notar, 2006; Odello, 2010; Wills, 2013; Uddin, 2014). Male officials' abuse also includes SV against fellow female personnel, the use and abuse of victims of sexual exploitation in and around military bases, and at times, even participation in human trafficking for prostitution (Lynch, 2011). The effect of these men's conduct and the institutional tolerance towards it accumulates in long-term foreign military bases' tendency to induce and booster trafficking for prostitution in their area (Talleyrand, 2000). Situations involving peacekeeping and military bases are usually sustained over time; abuse by representatives of

international foreign institutions is normalised and infrastructure to cater to their male members sexually is established.

Where an individual perpetrator is also a representative of formal, official institutions, the responsibility of the body that delegated power to that individual (be it a state or international agency) is increased. The source of the power that has been abused in these cases is not only the social status afforded to the individual on the basis of his maleness or masculinity, but also the power and status formally delegated to him by the appointing body, which guarantees that person's capacity to exercise superior and coercive power. Earlier in this chapter, I posited that insofar as an official body and its institutions exercising authority in a given place exhibit a negligent, permissive or sexist response and behaviour with regards to VAW, this conduct can be interpreted as the legitimisation of men's use of violence against women, as informal authorisation for men to exercise power over women. In case the official body tolerates VAW by their own members or representatives, this authorisation is even weightier.

Next to military presence or official transnational operations, the cumulative effect of individual foreign men's conduct, inducing wider processes of VAW is also relevant in the case of tourism, which also often results in the bolstering of the sexual trafficking and exploitation industry (Shelley, 2010). These also manifest in multi-party transnational processes, such as British men travelling to Holland to use women trafficked from Eastern Europe (Bindel, 2018): one state's legislation and attitude towards prostitution affects more than just their own citizens.

Meanwhile, tourist and migrant women may fall victims to organised sex-trafficking and prostitution, or domestic and care work with tied visas making them defenceless against abuse by their masters (Chuang, 2010). Thanks to the expansion of online pornography and the possibility of live-camera contact, nationals of distant countries now need not even visit elsewhere in order to enjoy sexual slavery of trafficked girls and women, or forcibly prostituted women: online entertainment to cater to them is also available (Hughes, 2000). Finally, IPVAW can occur in multi-national relationships in which case the victim may be let down by both her origin and destination countries. Relationships between male citizens and immigrant women, especially if the woman resides in the state illegally, represent particularly vulnerable situations.

All these transnational processes and potential combinations of perpetrators and victims from and in different states are indicative of what might be called the international “interchangeability” or “transferability” of VAW. This invokes a necessity to examine not only the responsibility of the individual perpetrator and of the state where a particular crime occurs, but also the potential shortfalls and responsibilities of a wider set of international actors and supranational institutions.

The global prevalence of gender-based VAW and the universality of its root-causes brings in a question regarding the discussion on gender-based asylum, mentioned in section 3.3. If VAW is a globally prevalent harm, putting women at risk worldwide, if it stems from the hierarchical conception of the genders and from gender inequality everywhere, to which states causally contribute everywhere, and is a harm from which states fail to adequately protect women worldwide, how are women safer in one state rather than in another? If the same group’s members, on the same basis, suffer harm everywhere, and each state demonstrates a systematic failure in protecting against violence on that basis, as it is the case with gender-based VAW, does it make sense to claim asylum on that basis in another country? Taking the above seriously would mean that all women have a legitimate claim to sex or gender-based asylum, which means that it does not make sense for them to be at any one place rather than another.

Still, there is variation in the gravity of insecurity and the degree to which states fail to protect women. Just like it made sense for German and Eastern European Jews to flee to countries where anti-Semitism or even anti-Semitic violence was prevalent but where the government was not openly anti-Semitic, it makes sense for instance that a woman from an “abuser state”, or a state with FGM prevalence of 95% flees to another country where the situation is not so grave, for instance, VAW is at least nominally recognised as a crime and gets prosecuted, even if not always and inefficiently.

States that are direct perpetrators of VAW can be considered *abuser states*. States that, for example, exercise reproductive violence by forcing women to carry pregnancies to term and give birth (prohibiting abortion), or states and state institutions that otherwise coerce women in their reproductive life perpetrate direct gender-based VAW when they do so, and can be considered abusive in this sense. The control of women’s reproduction, typically forcing women to become mothers,

is as strongly informed by gender, gender norms and roles as any other form of VAW. This is the most common form of direct VAW by states.

A coercive control understanding of IPVAW can also apply not only to intimate partners, but to states as well. Where states prescribe laws and policies limiting women's freedom in a way akin to abusers' strategies, legally subjugating them to male family members and men in general, the state itself can be identified as a direct perpetrator collectively abusing women. The previous chapter described coercive control strategies that include the isolation of the victim, the monitoring and restriction of her activities such as work or education, controlling her clothing, her reproductive functions and keeping her in economic dependence. Under the coercive control understanding of IPV, states that enforce laws to similar effect can easily be said to abuse women. Further, where non-adherence to gender norms and laws effectively discriminating and restricting women is prosecutable and punishable (such as stoning for adultery), this can also be easily interpreted as VAW by the state. Abusers in the context of IPVAW implement physical violence as enforcement of the woman's adherence to feminine gender roles and compliance with their male partner's or family members' authority, and as punishment for the (perceived) divergence from these norms. Where laws punish women (perceived to) diverge from gender roles, it is reminiscent of the way individual abuse functions.

Whether the power to implement VAW to this effect is held and exercised directly by the state, is delegated to religious or other unofficial community leaders and tribunals, or is legally granted to men to exercise over "their" women with impunity, or any combination of these, the underlying dynamic and effect is, arguably, the same. As the previous chapter asserted, wider social contexts provide an ideal backdrop for VAW to develop. Interpreting theories of coercive controlling IPVAW "strategies" is challenging in contexts where much of the controlling that constitutes this condition is externally secured by the state or state-mandated community authorities; if the state already exercises or explicitly grants control over women, there is no need for the individual perpetrator to directly do the same or to seize control. Fleeing from such a state and claiming asylum in a state that does not directly abuse women and recognises VAW as illegitimate at least nominally is just as valid as the Jews fleeing in the earlier example. In a pragmatic reading of the purpose of asylum, while women are not safe from gender-based

VAW anywhere, they are safer in some places than in others. Yet the fact that women are not safe from gender-based VAW anywhere, and that states consistently, though to varying degrees, fail to effectively protect women, let alone prevent VAW from emerging in the first place, invokes responsibilities on the international level. It suggests concerns not only regarding each particular state individually, but the international community of states, and global society, as a whole.

3.6 Conclusion

This chapter introduced various ways in which national and international institutions, states and official representatives of such bodies play a role in perpetuating VAW globally. I drew on the public health literature and global empirical research on VAW to offer distinctions between different causal stages in the (re)production of VAW as a social and global-social phenomenon, and to identify the structural and root-causes of VAW documented across regions. I asserted some of the key claims that this thesis will further elaborate, most importantly that the root-causes of VAW are conceptions of gender, gender hierarchy and gender inequality, and that these are structurally reproduced through institutions. Later chapters, most importantly chapter 7, will also draw on the causal levels employed by the “upstream” approach as introduced in this chapter, in order to identify the types of duty/responsibility corresponding to distinct types of actors. The next chapter will expand on the claim that gender conceptions are inherently hierarchical and thus a wide array of actors and institutions are implicated in the reproduction of VAW.

The chapter showed that national (state) institutions and international systems of policy that have direct implications to VAW fail individual victims directly, on the *tertiary* causal level, when they do not provide the necessary protection and services. It showed that laws and the general practices of the criminal justice system and relevant international frameworks are frequently by design unsuited to address cases of VAW — the most prevalent threat to women’s security globally. Drawing on feminist work on this subject, I argued that underlying this failure is not just a lack of foresight, but a patriarchal set of priorities, normative commitments and gendered assumptions qualitatively similar to those exhibited in

society more broadly, and those motivating VAW itself. I argued that the absence of adequate protection from and prosecution of VAW contributes to enabling VAW also semi-directly and indirectly, on the *secondary* and *primary* causal levels. The lack of states' and the international community's individual as well as systemic due diligence when it comes to VAW signals a lack of taking obligations towards women as citizens and denizens seriously.

The chapter further asserted that adopting the analysis of VAW as violence rooted in gender, gender norms, -hierarchy and -inequality, put forth not only by feminist theorists, but proven by empirical research on global VAW and practical recommendations regarding its eradication means that a wide set of institutions are implicated in its reproduction and have responsibilities if VAW is to be eliminated. I provided various examples of policy-areas that, in their current arrangement and operation, indirectly contribute to upholding the root-causes of VAW, and that should be reformed in order not to do so. I argued that this would not significantly increase the degree of intervention currently in place, but would unquestionably require an extensive review and alteration of the *status quo*. I also highlighted that since poverty is a risk factor of VAW, reducing VAW also requires structural adjustments of an economic and distributive nature.

Finally, the chapter introduced a set of global and cross-border concerns emerging from a structural approach to VAW. I asserted that indirect processes of causation contributing to the reproduction of VAW are also evident internationally. I argued that the universal prevalence and universally gender-based quality of VAW, making it "transferable" or "interchangeable" in different contexts and states, invokes a need to address it not only as a matter of justice on the social level, as if it were isolable and existed simultaneously but independently everywhere, but should also be scrutinised globally. The complications of thinking about VAW in global terms and global-structural terms are addressed in chapters 4.5 and 5.4. The chapter also introduced the idea of "abuser states", where states apply laws and policies that amount to a direct perpetration of VAW (especially coercive controlling VAW).

4. Feminist Theory on Violence Against Women: VAW as Political and Non-Deviant

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4.1 Introduction

This chapter discusses feminist theories developed in order to explain, analyse and conceptualise the phenomena introduced in previous chapters: the existence and dynamics of gender-based VAW (chapter 1) and the structural-institutional background and response in relation to it (chapter 2).

There is a wide variety of feminisms, innumerable ways in which feminist authors discuss VAW, and various discourses and points of contention between these; the chapter does not intend to delve too deeply into this very rich field. Instead, I focus on a few, key points that I find necessary or merely useful in order to devise a theory on VAW as an outcome of global gender injustice and a way to address it within the conceptual frameworks of global justice theory. That is, I highlight feminist theories, views and concepts that take a structural approach to analysing VAW and are compatible with the empirical research-informed analyses and descriptive theories presented in earlier chapters, as these are most fitting to the project pursued in this thesis. Chapters 6 to 7 combine the feminist insights I introduce here and in the next chapter with theories of (in)justice intended to address other kinds of harm and suffering in a way that considers structural causes. The reader will notice that the chapter draws more heavily on authors and approaches associated with the branch of radical feminism. Radical feminists tend to emphasise the subject of VAW and centre VAW (especially sexual violence) in their analyses of society in a way I find both poignant and useful in uncovering deeper correlations and processes of causation. Many of the terms and correlations introduced and articulated first by authors that might be categorised as radical feminists have found their way into the feminist canon, and are also employed

routinely by feminists leaning towards various other branches — especially so when discussing VAW.

Sections 4.2 and 4.3 are devoted to two crucial notions, already emerging in the previous chapters: the criticism of the public-private distinction, or the feminist assertion that the personal is political and the implications of this with regards to theorising VAW; and the idea of a continuum of violence. The latter is the feminist claim that VAW is on a continuum with everyday sexism and ordinary masculine practices. The corresponding section (4.3) also includes a discussion of the challenges of defining rape and sexual violence and the relationship between violence and gendered norms, roles and heterosexual sexuality that underlies these difficulties. Section 4.4 extends the criticism of gendered attitudes and of masculine behaviour that manifests in various degrees of intrusion and transgression against women, to gender itself. The section argues that establishing the social (not the biological) categories of gender served to establish a hierarchy between males and females, similar to how establishing the social categories of race served to establish a hierarchy between white and non-white peoples. Thus, using Mills (1997; 2010; Pateman and Mills 2007), the section argues that injustices based on these hierarchical social ontologies ought to be rectified as a matter of justice. Section 4.5 addresses a potential objection: the issue of generalisability.

4.2 VAW as Political

A feminist slogan popularised in the 1970s proclaims that “the personal is political”. The slogan is meant to highlight that the primary site of women’s oppression is the sphere traditionally termed “private” or “personal” in Western political theory and popular imagination. Accordingly, power-relations and resulting violence that are manifest in this sphere, ought to be considered political rather than dismissed as falling outside the scope of political inquiry and critique. Feminist thinkers demand that we subject the “private” to critical examination and recognise the unjust, systemic and political nature of the dynamics, distribution of labour, power-relations and violence between the sexes.⁴¹ The slogan “the personal

⁴¹ While the field I focus on here is political theory and philosophy, feminist criticism on the same basis also exists towards economics and theoretical economics. For instance, despite consensus on the existence of intra-household gender inequality (see chapter 2), most research on the distribution

is political” also calls for scrutinising the everyday actions, interactions, decisions, preferences and attitudes of individuals, to examine the gendered socialisation and potential sexist predispositions underlying them, and the effects of individuals’ conduct on men, women and the gendered power-relations and inequality between the sexes. Heterosexual relationships themselves, by virtue of involving sexuality and inter-sexual interaction, constitute a subject of systemic scrutiny for feminists, even in the absence of official institutionalisation (i.e. marriage). Feminists asserted that “[i]f failures of the private sphere [are] not necessarily a function of the personalities of individuals, then the process of eliminating them might require something other than individual adjustments” (Nicholson 1981, as quoted in Zina 2005, p.310), namely conceiving of recurring problems in the sphere perceived “private” as a social and political issue. The norms of heterosexuality (as well as heterosexuality as a norm) also became a site of feminist theory-construction, giving rise to lesbian separatist and lesbian radical feminism (Zina, 2005, p.310).

In mainstream political thought, the idea of the private sphere serves to shield some areas of life from state intervention, limiting the potential influence of the state. The notion of the “private” covers both private in the sense of the familial and intimate, that which occurs in the home or in everyday personal life, and in the sense of private (as opposed to state) holdings and economic interests in business and property (Gavison, 1992). Here, I focus on the first sense of the word.

The view that the personal and the political, or the private and the public are separate spheres, and that the first ought to be exempt from interference by strangers and the state is present not only in academic and theoretical discourses, but also in the popular mind and in the everyday practice and conduct of persons and states. One example of this mind-set is when domestic VAW is considered a private matter to be resolved internally by the parties involved.⁴² Previous chapters have clarified that individual perpetrators of VAW are most often persons known to the victim, and that the violence is likely to take place in what is traditionally perceived as the “private” sphere. This is also the sphere of existence to which the very same gender-norms expressed by VAW traditionally relegate women. Given this context,

of wealth and resources is still household-based and there is a lack of internationally recognised methods to measure intra-household economic inequality (UNSD, 2016).

⁴² This issue is present in international frameworks as well, such as the international legal framework for asylum (Cianciarulo, 2012; Crawley, 2000; Ziegler and Stewart, 2009; Macklin, 1995), as the previous chapter has also discussed.

feminist objections to exempting this sphere from social and political scrutiny is quite unsurprising.

In mainstream political theory, the definition of violence – at least of violence that is theoretically relevant, political – does not include VAW. The conceptual frameworks and discourses of justice theory in contemporary political philosophy grew out of the Western contractarian tradition, which presumes that the state maintains a monopoly on violence and considers violence by citizens, unless in self-defence, illegitimate. The state’s role is to maintain social order, guarding its monopoly on violence by creating and enforcing laws against the illegitimate use of violence (crime), or in liberal terminology, against citizens *harming* one another. Granted, the state is not omniscient; it cannot see in advance and prevent all non-state harm. But, given its authority and monopoly on violence, and — even in the most minimal, libertarian “night watchman” state conception — its duties to uphold order and to protect citizens from one another, the state has to establish laws that prohibit citizens from harming one another, and to prosecute persons who commit harms, thus guarding its legitimacy.

Assuming that citizen-on-citizen violence is dealt with accordingly, discussions of violence in political theory and philosophy mostly focus on violence perpetrated directly by the state or political actors challenging the state — or in other words, with “political violence” — and questions revolve around the legitimate use of the state’s monopoly on violence. Violence by the state and its official agencies of law-enforcement against citizens can be legitimate or illegitimate. For instance, when the police forcibly remove a citizen from a scene where he/she committed a crime or is planning on committing a crime (harming another citizen), or when the state “harms” a citizen in the form of depriving him/her of freedom, imprisoning him/her in punishment of disobeying laws, this is considered a legitimate use of force or violence by the state. On the other hand, when the state persecutes certain citizens on a discriminatory basis, this is considered an illegitimate use, or rather an abuse of the state’s monopoly on violence.

Violence against women in this framework is not considered “political”, since it is — at least in most states⁴³ — rarely perpetrated directly by the state, and thus is illegitimate by default, and illegitimate acts of violence are presumed to have been dealt with by the state in the form of law creation and -enforcement. However, VAW occurs typically in the “private” sphere in the sense described above, and according to this theoretical framework, this sphere ought to be exempt from state interference and falls generally outside the scope of political theorising, at times even automatically assumed internally just (Rawls 1971, 2001; Okin, 1989; 2005). The combination of these two principles within the contractarian tradition result in something of a theoretical blind-spot in justice theory when it comes to VAW much in the same way that VAW fell and (to the degree that they neglect or insufficiently fulfil their duties in the case of VAW) still falls into a blind-spot in states’ conduct, as discussed in the previous chapter. Meanwhile, the idea that the “private” sphere is exempt from state interference is more myth than reality; states do have family laws and regulate marriage, divorce, custody, inheritance, adoption, and various other aspects of “private” life.

Feminist thinkers often attribute these theoretical blind-spots to the fact that the development of political thought and of states and laws was influenced mostly by men, for whom the lack of scrutiny on illegitimate violence in the “private” constitutes less of a risk, and for whom the lack of scrutiny of unjust and

⁴³ States that previous chapters named “abuser states”, i.e. states that *directly* perpetrate gender-based VAW easily fit the category of perpetrators of “political violence” even under traditional understandings. Even though it is rarely interpreted as political violence, this would be the case when a state inflicts physical harm on or imprisons a woman in enforcement of gender roles, because she does not comply (or is perceived as non-compliant) with gender norms. Using the state’s monopoly on violence in this way can be considered illegitimate. However, the different political cultures and value-sets of distinct societies and states inform different notions on which crimes are legitimately punishable by the state, and different conceptions of what legitimate state violence entails. Physical violence and/or imprisonment considered legitimate in one state may very well be considered illegitimate by another, depending on the norms expressed by the laws in the given states. Moreover, establishing the norms and principles determining what actions are deemed legitimate and illegitimate is an important right of states; it is essential to practicing their authority, autonomy and sovereignty. While the states signatory to the Universal Declaration of Human Rights agreed on a list of actions that are to be considered universally illegitimate and meriting condemnation, and this should cover the scenario mentioned above, many states objected to the equal application of human rights to women and do not apply it in practice. Many states, indeed, commit human rights violations against citizens, both men and women. The question of whether pushing states that violate human rights to obey and enforce them constitutes an interference with their sovereignty, and whether human rights are in fact a form of Western cultural imperialism is debated (Falk, 1981; Donnelly, 1984; 2003; Le, 2016). This debate, however, is beyond the scope of this thesis.

hierarchical relations within the private sphere underlying this violence is even beneficial (see e.g. Pateman 1988; 1990a; 1990b; 1999; Pateman and Mills 2007).

Feminist academics in various fields assert the same claim that men's experiences inform theory- and law-creation, and that the failure to consider women's experiences, which include injustice and violence in more contexts than do men's experiences, constitutes a wrongful omission. Most relevant to the subject at hand is such criticism by feminist scholars in areas of scholarship where the concept of violence is central: IR theory, security studies, and just war theory. In these fields, the focus is on the security and insecurity of states and their sovereignty in the face of external and internal threats of war, terrorism and military intervention. In these fields, especially in the dominant realist tradition, the political also seems to mean "that which has to do directly with the state", and analyses and definitions do not extend to what may be considered the "private" (Korab-Karpowicz, 2017).

Critical strands in IR theory and security studies challenge traditional understandings of "peace" and "war", security and insecurity, arguing that it is the security of people, not states, that we should be concerned with, and that serious threats to the security of citizens also arise from situations other than war (as conventionally understood) (Broadhead, 2000). For instance, insecurity can arise from poverty, food crises or general insecurity in the absence of effective legislation and law-enforcement. Feminists in critical IR emphasise that women face a constant threat to security, and many women face continuous violence for long periods, also in times when armed conflict is absent and that are hence considered times of "peace" by mainstream theory, posing a challenge to traditional definitions which do not account for women's experiences. Feminists also call for more attention to the ways in which war (as conventionally understood) impacts women specifically, such as sexual violence as a weapon of war and increased rates of "regular" assault, both domestic and sexual, in times of war; the growing sexual exploitation around military bases; and the soldier-like attitude of many men returning from war, amongst several other aspects (Enloe, 2014; Kelly, 2000). Many theorists point to the interconnectedness of the conception of masculinity with militarism and the violence in war, and the rationales given for this violence, as well as to the masculinized image of the state itself, as an actor and wielder of power (Enloe,

2014; Kelly, 2000; Tickner 1992; Parpart and Zalewski, 2008; Youngs, 2004; Young, 2007).

Challenging the prevailing conceptual frameworks in the field and in common use, many critical/feminist IR theorists (such as Tickner, 1992; Enloe, 2014; Youngs, 2004) and feminist theorists (such as MacKinnon, 2006a; 2006b; Hester, 2015) argue that the understanding of the concept of war is itself (a) patriarchal and masculine, and (b) skewed by blindness to the constant threat to security women experience in times conventionally considered “peace”. The reasons for this might be similar to those underlying the failure to incorporate the issue of VAW in political philosophy, discussed above. That is, theoretical frameworks and states’ conduct are shaped by men, and “the power to name war (and peace) is the prerogative of dominant nations and groups” (Kelly, 2000, p.49) with which women are not invested. MacKinnon, famously, suggests that VAW might be understood as terrorism, war, a crime against humanity, and genocide, repeatedly asserting that there is a perpetual war against women in which no disarmament is in sight (MacKinnon, 1998; 2002; 2006a; 2006b). As we have also seen in chapter 2, one of the terms for intimate partner violence in the empirical literature on VAW is patriarchal *terrorism*; authors note that the same mechanisms of fear and threat as those animating terrorists and terrorism as conventionally understood, are manifested in the everyday violence many women suffer. Further, the notion of the penis as a weapon to be used for rape or the “colonisation” of a woman’s body, and a weapon that is always there, also emerges in feminist analyses of VAW as war (Brownmiller, 1975; Hester, 2015).

The above shows that the fields of political thought that, given their violence-focused subject matter, might be logically expected to address VAW — political philosophies concerning political violence, and theories concerning war and in/security — are in fact not equipped to do so. Definitions of key concepts are unfit to accommodate VAW, and the primary site of VAW falls beyond the purview of “political” theories. The issue is not simply that VAW falls into a blind-spot. Rather, VAW is side-lined, dismissed as irrelevant, or treated as if it occurred in a social vacuum, in bubble-homes isolated from global, state and social context and influence. The systemic nature of VAW and the political quality of that which occurs in what is considered the private sphere, is unacknowledged – including the role of the state, civil society, and institutions. Whereas in reality VAW *is* political,

because it exists owing to the structural reproduction of gender injustice and gendered power-relations, in which various actors partake, including the state and other actors not necessarily directly involved in perpetrating it; and VAW in turn also fuels the reproduction of gender injustice and gendered power-relations.⁴⁴

In contrast to the subject's near-absence in mainstream discourses on violence in political philosophy and theory, the problem of violence against women and against minorities does get mentioned at times in theories of *oppression* and, albeit more rarely, in theories of (social) justice, as examples of the ways in which oppression might manifest (Young, 1990). It is in this area, the discourse on justice, that I intend to further the efforts of theorising VAW, focusing on the background conditions that produce it and the institutions and practices that uphold these structures, further impressing the political nature of VAW. The next section centres on the idea of a “continuum of violence”, a useful concept to capture the embeddedness of VAW into wider structures and customs, positing it as the extension of norms, rather than as a deviance from them, and to further confirm the definition of VAW as an expression of gendered power and a tool to maintain it.

4.3 The Continuum of Violence: From Everyday Sexism to Femicide

Liz Kelly coined the term *continuum of violence* in 1988 based on a series of interviews with women on VAW (Kelly, 1988). While the precise forms of violence vary across time and space, and have perhaps changed since Kelly first introduced her theory, the concept still proves useful in demonstrating how men's acts of violence against women that are frequently considered deviant (and criminal) are on a continuum with everyday behaviours and attitudes by men that are deemed normal, rather than the two being in stark contrast (Boyle, 2017; Kelly, 2012; 2016). The various intrusive and degrading acts and behaviours towards women along the continuum, typically of a sexual nature, create a general social context in which women feel unsafe and are conscious of the possibility of violence even if they have not personally experienced brutal forms of interpersonal violence. The fear from violence, the sense of threat and insecurity limits women's freedom and autonomy,

⁴⁴ Similar criticism regarding the wrongful omission of women's experiences and states' role in VAW was expressed in the “women rights are human rights” movement and scholarship. For further discussion of this matter, please see chapter 7.2.

as they frequently assess and re-assess their everyday conduct in relation to it, and as women's decisions are influenced by their assessment of how they will suffer the least harm⁴⁵. This observation gave the basis of the above-mentioned suggestion on part of some feminist scholars and activists to classify gender-based VAW as terrorism: using the threat of violence or the knowledge that women fear violence to secure women's compliance with the wishes, and support the interests, of the person or people that are in a position to exert the violence if "provoked" or resisted. In this sense, VAW as terrorism affects not only direct victims, but more women in general who are constantly aware of the possibility of violence.

Kelly points out that "the manifestation of men's gender power through the routine use of aggression against women [such as sexual harassment or groping] is connected to "non-routine" assaults, such as rape, which are extensions of more commonplace intrusions" (Kelly, 1988, p.27). She also asserts that underlying commonplace intrusions as well as brutal violence is male dominance as expressed in the norms of heterosexual sexuality and in the norms of heterosexual relationships. Thus, VAW is in fact not a wrong that deviates from norms, but one logically consistent with gender as we know it, following from the enactment, performance and enforcement of normative constructs of masculinity and femininity (Boyle, 2017). While in the public eye or in abstract thought, there might exist a stark contrast between "typical" and "aberrant", harmless and harmful male behaviour, with examples like comments filled with sexual innuendo on the one hand, and rape on the other, between these ends there exists a "gray area" that connects the two and shows how these "shade into one another" (Kelly, 1988, p.75). The recent public discourse following the #metoo campaign also highlighted this phenomenon, as women recounted experiences of rape and sexual assault as well as harassment and "bad sex", finding commonalities along the continuum.

Defining what constitutes "harmful" action along the continuum of violence, and identifying what precisely makes these actions wrong, is challenging. The point where the grey area ends is not determined. The definition of harm in these violences and the relevant factor in identifying their harm and wrongfulness is contested. One might identify the action as grave, wrongful and harmful on the

⁴⁵ Women are more afraid than men of crime in general because of the possibility of rape (Lane, 2013).

basis of its effect on the victim; though different victims might experience varying effects from similar kinds of actions. One might focus on the perpetrator's motive. One might move away from scrutinising the particular actions along the continuum as matters of individual harm, and focus instead on the cumulative effect of all these actions on women as a group. For Kelly (1988), the continuum is a "range of abuse, intimidation, coercion, intrusion, threat and force" that "men use to control women" (p.76); and the gravity of harm in each instance is determined by the victim's experience of fear and the effects the experience has had over her. Her definition includes actions and behaviours that are not sexual, but she calls it the continuum of sexual violence because it is based on sexual difference, and involves the power-relations between the sexes.

As I mentioned in chapter 1, for the purposes of this thesis, in order to avoid blurring concepts and mix discourses taking place in strongly divergent conceptual frameworks, I use the term "violence" in a strictly interpersonal sense. Yet the term "interpersonal violence" is also far from straightforward. Definitions of interpersonal violence and its various forms are contested. The discussion in chapter 2 already showed that defining IPVAW is more complex than it might seem at first glance, and that it is more than individual instances of physically violent interpersonal acts. The definitions of sexual violence against women (SVAW) and rape are perhaps even more varied. One of the reasons I decided not to elaborate the definition of SVAW to the same degree as I did IPVAW in chapter 2 is that there are serious contentions on defining SVAW and the proper ways to identify it even amongst feminists; for instance in the question of whether consent is the appropriate litmus test to distinguish sex from sexual violence, and if so, what kind of consent is appropriate.⁴⁶ The other, related reason for postponing the discussion on SVAW is that it is deeply connected to the concept of continuum discussed here. The notion of a continuum of violence helps explain why it is so challenging to clearly define sexual violence and contributes to the point that VAW is the outcome

⁴⁶ This includes discourses on 1) how consent can be identified in practice (negatively by the lack of physical and/or verbal resistance or positively by a physical and/or verbal expression of willingness), 2) when is consent required (at the start of the sexual encounter or throughout), 3) whether consent ought to be present in mental state or in expression and which one matters more, 4) whether consent ought to apply only when the object for all parties is the sexual encounter itself, or also when there are other elements, such as money, in exchange for which one of the parties participates, and 5) whether the concept of consent is useful to discuss sex and rape, and whether meaningful, informed consent is even possible in heterosexual intercourse under patriarchy (Kazan, 1998; Alcoff, 2010; Pateman, 1990a; 1990b; Whisnant, 2013).

of structural injustice and norms embedded in institutions and societies globally, and at the same time, a tool to reinforce these.

The continuum of sexual violence includes sexist remarks and sexual harassment on the street, in the workplace and in other social circles; flashing; following and stalking; groping and other inappropriate, intimate touching; sexual assault (unwanted sexual contact of any kind); abuse with the use of pornography (including revenge porn, blackmail with sexual images, forced re-enactment of pornography); “stealththing” (the unwarranted removal of the condom during sex); sex as a consequence of pressure or coercion; sexual exploitation and prostitution; incest; and rape. This list is not exhaustive and the types overlap. As already mentioned, Kelly (1988) also includes IPVAW and femicide in her list, owing to the shared basis (sex and sexual/gendered power-relations) of IPVAW, femicide, and the literally “sexual” forms of transgression and abuse. Femicide is the gender-based murder of women, which, when perpetrated outside the context of IPVAW or dowry- honour- and other family violence, typically involves the sexualisation and often the rape of the victim (WHO 2012, p.3). The types of intrusion at the beginning of the above list are more frequent, affecting more women and typically on more occasions, while the more brutal forms such as IPVAW, rape and femicide are less frequent (but still affecting a vast number of women).

Feminists working on the issue stress that we ought to centre women’s subjective experiences and definitions to determine the gravity of these acts. Some may seem less harmful to someone not affected, while the victim perceives it as a grave and harmful event. It would be a worthy task to reassess mainstream definitions of harm in political philosophy in a way that addresses the various kinds of acts along the continuum of sexual violence and explores what quality qualifies (or disqualifies) them as “harm”. I shall not embark upon this task; the argument this thesis is trying to make does not necessitate defining the point from which acts on the continuum constitute “harm”. Even if one assumes that only some, more obviously grave forms of interpersonal violence at the far end of the continuum constitute harm, the fact that that these are part of a continuum, of a larger context and are structurally embedded must be acknowledged.

Acknowledging the context, the continuum and structural embeddedness is also important because these might explain the reasonable fear women experience even if an act is not obviously violent. Fear arises from the gendered and sexual

context; the knowledge that even if an intrusive act is not itself overtly aggressive, it might escalate into more “grave” or harmful acts along the continuum; and the sense that if it does, this will not merit adequate institutional protection. In practice, this means for instance that the “simple” act of a man following a woman, even without any physical contact, may have long-lasting effects and may alter the targeted woman’s future behaviour in whether and how she uses and moves across public spaces. Considerations regarding the risk of violence, harassment and sexualisation affect women’s behaviour and use of space in public and in the workplace, meaning that the threat of VAW and actual VAW reinforce the actual inequalities between men and women in how freely they use public spaces. The resulting patterns of behaviour can be examined as “geographies of fear” (Valentine, 1989).

As I noted, this thesis uses the term “violence” restrictively, according to which many acts on the continuum of violence as outlined above might not be considered harmful interpersonal violence. I also noted that there is no clear-cut line which easily distinguishes acts unquestionably identifiable as harmful violence and the rest as acts that may be automatically considered harmless and non-violent. Scrutinising the “grey area” in SV is useful for understanding the notion of continuum, and for grasping how gender and gendered norms of sexuality underlie VAW and give rise to everyday sexism as well as acts of brutal violence.

As already mentioned, there are various challenges to using the concept of consent in identifying what counts as rape (Kazan, 1998; Alcoff, 2014). The study of SV still uses some of the basic notions outlined by researchers pioneering this field such as Burt (1980) and Kelly (1988) to discuss sexual acts that may not be considered rape, but nor can be considered clearly consensual. Women may agree to unwanted sex because they feel sorry for the man or feel guilty for saying no (altruistic sex) (Burt, 1980). They may agree to unwanted sex because they assess that the consequences of refusing it would be worse than enduring sex (compliant sex) (Burt, 1980). Women may agree to sex because they feel they have an obligation towards the man (e.g., owing to some favour or because they are in a relationship) (pressurised sex), or because they are bullied into it by verbal coercion or a threat of “costs” that the woman assesses would be more than enduring sex (coercive sex) (Kelly, 1988). Conscious of the possibility of rape, women may “give in” rather than risk being forcefully penetrated in case the man does not accept

rejection. It seems to me that it is more accurate to describe these scenarios as women “bearing” sex rather than engaging in it as willing and equal participants.

Underlying these scenarios are assumptions that men’s sexual desires are legitimate “needs” that ought to be fulfilled, that women have an obligation to satisfy men’s sexual “needs” (desires and wants) and the more general, socialised pressure that women ought to please men and prioritise the needs of others, as well as general norms of heterosexual sexuality which centre on men’s pleasure (Kelly, 1988, p.112). Many men feel entitled to pressure women into sex or into particular types of sex acts towards which the woman is reluctant (e.g., anal sex, “rough” sex), while feeling absolutely within “normal” male behaviour (as opposed to “aberrant”).⁴⁷ As the previous chapter explained (see especially figure 1), a sense of male sexual entitlement also underlies sexual violence in a strict sense (rape). The global public discourse following the recent social media outburst against sexual harassment, misconduct and violence (Fox and Diehm, 2017; Senthilingam, 2017) brought a renewed light on the skewed sexual dynamic between men and women and the similarities between what one might consider “normal” sex, “bad” sex and rape, “normal” flirting or courtship and harassment.

The above assumptions apply especially if the man in question is the woman’s partner or husband, as if entering a relationship implied a contract under which men are granted unlimited sexual access.⁴⁸ These notions are not restricted to the minds of rapists, but are present in wider society and the media. A poignant example of how such norms are also institutionalised is the lack of recognising marital rape as an offense, presuming that men have a right to sex with their wives any time they so desire, which is the case in more than 140 countries (UN Women, 2011, p.33). The difficulties arising when attempting to prosecute such cases in countries where marital rape is nominally recognised as an offense also illustrates that gendered norms legitimising VAW are present in the “public” or “political” sphere as well as in “private” individuals (see chapter 3).

⁴⁷ As mentioned in chapter 2.4, empirical research shows that perpetrators of rape typically would not call their act “rape” (Edwards et al., 2014) but sex.

⁴⁸ In accordance with this, historically, the legal condemnation of and public outrage over rape arose as indignation over a violation of *property rights* (Brownmiller, 1975; Burgess-Jackson, 1996, pp.44-49; Millett, 2005, p.47-48). That is, the wrong of rape was that a man’s (typically the husband’s) right of exclusive sexual access to his woman was violated, which logic can also be detected in identifying the wrong of rape as a weapon of war (“whose” women are being violated).

Kelly (1988, 2012, 2016) posits that sexist remarks, gestures, harassment and other male behaviour in workplaces, public and social spaces, just like intra-marital SVAW “assume a right to intimacy and/or sexual access” to women (1988, p.106), and express men’s refusal to consider women as equals. Note that intimacy is also included here; it is not only rude sexual remarks and gropes that may be intrusive and that reduce the woman’s standing. Gestures like gentle touching or stroking from men in contexts where intimacy has not been established or comments of a similar nature also fall on the continuum. Imagine, for instance, a boss or co-worker that leans close and caresses the shoulder of a female worker, or talks to her in a non-professional, familiar manner while talking with other co-workers differently. Note also that many men feel entitled to objectify women in sexual ways also in non-peer relations, including not only when the woman is in a lower position, but also when she is in a higher position according to some social stratification other than gender (e.g. class, race) (Johnson, 2005). Think the typical example of construction workers harassing middle-class women on the street (Johnson, 2005).⁴⁹ These types of intrusion outside of the “private” reinforce the unequal position of women and men in the public sphere, and mean that women also have to navigate the public sphere with an awareness of themselves as potentially “inviting” unwarranted intimate or sexual attention. Despite the impact that harassment in the workplace and in public spaces has on individual women and women’s position collectively, there is little effort to address this issue in most workplaces and countries. Indeed, the same sexualising attitude and behaviour towards women is often expressed even by *statesmen* themselves.

Institutions and states are implicated in fostering the notions underlying the continuum of sexual violence in various ways. In addition to the legal treatment (or lack thereof) of SV and especially marital rape, and of workplace and public harassment as mentioned above, issues related to the sex industry and the sexualised treatment and representation of women in the media, implicating state as well as

⁴⁹ Some might assert that this typical example is a bid to restore the man’s sense of masculinity injured by the likelihood that the woman is more accomplished than he is (in terms of her salary, professional prestige, etc.), similar to the theories that trace IPVAV in some circumstances to the man losing the breadwinner role and reasserting his masculinity through violence and increased control. Whether or not this is part of the motive, the harassment is still based on the idea that men ought to be superior and are entitled to make up for the loss of feeling superior by pushing women down through sexual objectification.

non-state actors and institutions, are highly salient.⁵⁰ International and state funds are at times used to promote pornography and prostitution, normalising men's use of women as sexual objects, and/or states or government-related individuals may benefit from pornography and prostitution. For instance, currently there is a vast campaign in Hungary promoting a so-called sugardaddy site (puncs.hu) that aims to connect young women in financial hardship with wealthy older men for sexual relationships. While this would clearly fall into the category of procurement for prostitution in Hungarian criminal law, the site is partially supported by EU funds distributed by the state and is owned by individuals and companies close to the government (Előd, 2016). In countries where prostitution is legalised, it increases the state's tax revenues, even though the women in prostitution rarely benefit from state services (Diu, 2013). Germany, for instance, profits also from human trafficking: taxes from the sex industry come chiefly from brothels, which function on a room-rental system and do not scrutinise whether or not the particular women in their rooms are victims of trafficking (Diu, 2013). The legalisation/decriminalisation of purchasing sex is arguably an affirmation of the aforementioned supposition that men have a "right to intimacy and/or sexual access" to women. This is especially the case when politicians and campaigners refer to a "right to intimacy" or a "right to sex" in advocating access to prostituted women/sex workers for men who face challenges accessing sex otherwise. This argument is typically employed in support of men with disabilities, and at times includes the suggestion that the government should provide financial support so that they can realise this right (Kale, 2017).

The effect of images and the reach and power of media should not be underestimated. The unregulated access to pornography and the representation of women and girls as sexual objects results in the "grooming of girls" into ideal victims for sexual predators (Dines, 2013). After the digital revolution, we entered what one might call a "visual era" in which image-based communication rather than text- or audio-based communication is becoming more common. Currently 48% of the world population and 70% of the world's youth (15-24) are internet-users (ITU, 2017), while the internet remains a practically unregulated global medium, though

⁵⁰ Though it is debated whether sex that takes place within the sex industry is per definition rape, falls into a "grey area", or is fully consensual sex between equal parties, it seems clear that even if one does not consider it rape per definition, it falls somewhere on the continuum of sexual violence.

some states restrict access to some content. Pornography and the typical visual representations of women in general tend to reinforce sexual objectification and the focus on women's appearance, and the population is now exposed to a flow of such images also through the internet in addition to traditional media and advertisements. In addition to this indirect contribution to upholding the norms underlying the acts and behaviours on the continuum of sexual violence, the digital revolution also brought new, technology-facilitated forms of everyday sexism and sexual violence, such as online grooming, online harassment, threatening and "trolling" of women, "dick pics", "revenge porn", the expanse of the pornography-industry including child pornography, or the exploitation of girls through webcam-sex, in which typically Western men seek Asian girl children (Guyt, 2013). Similar to workplace and street harassment, the online forms of harassment might also serve to push women out of the public sphere insofar as the internet is a new venue of the "public". The popular online comment in response to content and participation by women, calling upon the woman whose expression or opinion the commenter seeks to dismiss or invalidate to go back to the kitchen and make him a sandwich, expresses this intention in a supposedly humorous way.

Widely accepted or even normative notions on sexuality, masculinity and femininity serve to legitimise the acts and behaviours on the continuum of violence. In other words, VAW is normalised or even "normative" (Parekh, 2012, p.7). I highlighted three themes of legitimisation in chapter 2: victim-blaming (and the corresponding minimisation or negation of men's responsibility), male entitlement, and women's objectification. The same themes are present in both IPVAW and SVAW, and the same continuum and normalising/normative mechanism applies. IPVAW, as chapter 2 has shown, grows out of standards of heterosexual relationships and gender norms and roles according to which men should be the dominant party in a relationship. Similarly, SVAW grows out of standards of heterosexual sexuality and the gender norms and roles related to it. "Normal" heterosexual conduct and "masculine" behaviour carries within it the roots of the pressuring and coercive conduct that shades into forceful sexual and/or partner and/or family violence against women under the concept of the continuum. Unfortunately, there is no space to provide an in-depth analysis of heterosexual sexuality and its variations across time and space within this thesis. But everyday notions such as the idea of women "playing hard to get", "being a tease" or else

inviting men's sexual attention with "immodesty"; the idea of masculinity and femininity according to which the man ought to "pursue" the woman; the idea of masculine sexual "conquest"; and the general focus on women's and girls' clothing and physical appearance and its effects on men are some examples to support this point.⁵¹ Messages in society and media that support an idea of sexual entitlement and dominance by men, along with the above-mentioned phenomena in digital visual culture are at times dubbed "rape culture" or "porn culture", as mentioned in chapter 2.

Some might consider the above views overly radical or exaggerating, but there is no need subscribe to a more critical or generalised view of heterosexual sexuality to accept at least the statement that rape and sexual violence (narrowly defined) are supported by notions present in societies more broadly, especially in average masculine behaviour. May and Strickwerda (1994) argue that men have a collective responsibility for rape owing to various factors whose existence it is hard to challenge. They point out that owing to socialisation, most men express attitudes and behaviours towards women akin to that of rapists in that they are "othering" women, participate in male bonding over the sexualisation of women. They argue that by the attitudinal climate thus created, men are partially responsible for rape by those individual men who end up acting on those attitudes in a violent way and become perpetrators. Even if such conduct that legitimises the sexual objectification, othering and disrespect of women might not characterise all men, those who do not participate in overt sexism still benefit from its climate.

The kinds of male bonding that emphasise dominant masculinity and that provide a space for men othering women together are also institutionalised in men-only groups and institutions or in groups and institutions that are male-dominated, where women are underrepresented, or that provide an opportunity for "boy's clubs" (May, 1998; Superson, 2002). Typical examples include the military, university fraternities, and firms in male-dominated sectors; or indeed, in most countries, parliaments and other official decision-making and judicial bodies.

⁵¹ Many of these are often captured under the term "rape myths" (see e.g. Sctruckman-Johnson and Struckman-Jognson, 1992). Kelly also coined them "myths" and "stereotypes" about sexual violence (1988, pp.35-36). I aim to avoid this terminology, as I find it confusing; these usually serve as justifications or ideologies to minimise perpetrator responsibility, and are not truly "myths" that people falsely "believe". On these notions see also chapter 2.4, 2.6,

May (1992) suggests that similar shared responsibility exists for racism, in which case those who “share in the production of a [racist] attitudinal climate”, even in the absence of exercising overt racism, “participate in something like a joint venture that increases the likelihood of harm” in the form of racist acts (p.47). The similarities of racism and sexism in terms of their embeddedness in society and social structures and their conduciveness to harm is further discussed in the next section.

One might argue that attributing too much weight to “attitudes” is close to claiming that “thought crimes” exist; that people can be blamed for what they think even without acting or behaving unjustly, maliciously, or in a way that contributes to harmful effects on others. I do not believe that this is possible – I do not believe that one can hold sexist or racist attitudes without ever expressing them in a way that contributes to sexism and racism. Even if not in the form of hate speech or overtly sexist or racist remarks and behaviour, such attitudes affect the ways in which people interact with others at least as implicit biases. If, however, we imagine that such attitudes can be restricted to the person’s mind, I do not hold that person accountable for creating a sexist or racist “climate”.

4.4 Gender as Inherently Hierarchical

So far, my aim has been to establish that if we subscribe (at least to some degree) to empirical and to feminist observations on the workings of VAW, we have to recognise that rather than a deviance, VAW is the extension of everyday, “normal” behaviours and an outcome of (gender) norms which gradually shade into more and more intrusive, and ultimately violent transgressions against women. Feminists have built conceptual frameworks to describe how and why VAW is excluded from discussions on violence in political theory and philosophy, and how VAW *is* in fact social and political, embedded in structures and institutions, supported by everyday interactions and institutional practices. More of this work will be introduced in the next chapter, which focuses on the concept of patriarchy and male dominance, which feminists use to describe the structure itself.

Now I turn to the next step, extending feminist critique not only to what I so far mostly called the gendered norms, roles, practices, behaviours or attitudes giving rise to VAW, but gender itself: the separation of people into the categories

of women and men based on their biological differences, but imbued with added meanings distinct from biological characteristics, with the social constructions of masculinity and femininity.⁵² I asserted before in previous chapters that for the purposes of analysing VAW, sexism and gender injustice, it seems to me that it makes little sense to distinguish between gendered norms and roles and gender itself, as the first two stem from conceptions of the latter, and as we can hardly describe the genders without reference to the hierarchical notions under scrutiny; the hierarchical notions inspiring and reinforced by acts of VAW.

The abolition or the eradication of gender, the root-cause of VAW and injustices against women more broadly, is an aim typically articulated by radical feminists. A less ambitious form of this aim is to empty the gender categories of meaning as much as possible, working to eliminate the hierarchical connotations of masculinity and femininity and the related norms, roles and stereotypes, bringing the meanings of the genders as close to each other as possible, even if they cannot be fully abolished owing to the human tendency to construct social meanings around physical differences in persons (Jensen, 2017).⁵³ For instance, Jensen (2017) suggests that while eliminating social categories may be done in the case of race/colour and racialised groups, where physical differences are superficial and do not extend to function, it might not be done in the case of sex and gender, as there are functional (reproductive) differences in female and male humans' biology that will unavoidably give rise to some sort of social group-differentiation.

As I showed in the previous chapter, studies revealing no radical inclinations get to similar conclusions as to how VAW might be eliminated on the basis of empirical research on the motivations behind VAW, the norms underlying it, the "risk factors" increasing its likelihood, and its root-causes. The WHO and the

⁵² I am aware that there are academic discourses on biological characteristics themselves being socially constructed, and various further discourses related to this subject in queer/gender studies (Betcher, 2014; Butler, 1990), but introducing and addressing this discourse falls beyond the scope and spatial limits of this thesis.

⁵³ Other approaches, which perceive of gender as innocuous difference or as identity challenge these aims and the condemnation of gender as harmful, proposing instead the reconceptualisation of gender or the "deconstruction" of the "gender binary" so that gender denotes a wide array of categories with different combinations, variations and shades ranging between the masculine and the feminine, into which people can place themselves according to how they identify. Gendered behaviour and clothing, in this view, are a matter of self-expression (presentation or performance) and are apolitical in the sense that they are about individuals' preferences and self-perceptions, not about social hierarchy. Submerging into the contentious debates within feminism and between feminist and queer theory is beyond the scope of this thesis.

London School of Health and Tropical Medicine, in their joint study, claim that “[d]ismantling hierarchical constructions of masculinity and femininity predicated on the control of women, and eliminating the structural factors that support inequalities” is required to eliminate the “root causes” of VAW globally (WHO-LSHTM, 2010 p.36). In order for this not to be a criticism of gender, we should be able to envision a gender division that is not predicated on control and dominance, but constructions of masculinity and femininity that lack hierarchical connotations. I do not see how this is possible without emptying the genders of meaning, eradicating the gender division as much as it could be eradicated.

Together with radical feminists, I consider gender differentiation and all the related norms, roles and stereotypes as little more than a construction of categories used to legitimise dominance. The same can be said regarding the social categories of race. This view is also expressed outside the academic encaves and jargons of feminist theory and critical race theory, in the terms of analytic political philosophy. The remainder of this section introduces the formulations set forth by Charles Mills (1997; 2010; Pateman and Mills 2007), articulating similar insights regarding racial and gender injustice also within the justice discourse in analytic philosophy, inspired in part by radical feminists (especially Pateman 1988; Pateman and Mills 2007). I find his approach particularly useful for the task of importing empirical and feminist observations on VAW and its roots into the global justice discourse, and I will draw on Mills’s points in my analysis of Pogge’s and Young’s theories and in developing my own approach in chapters 6 and 7.

Mills holds that owing to the historical, moral, and causal significance of race and gender in real world injustices, rectificatory measures for injustices on these grounds are prerequisites to working towards justice. He argues that without first rectifying these injustices and establishing a situation in which race and gender are no longer influential, there is not much point in theorising about justice in a way that attaches no relevance to race and gender, let alone a chance to realise any ideal. According to Mills, ideal theory is “concerned with the demands of justice in a ‘perfectly just society’”, while non-ideal theory is “concerned with the remedying of injustice (the demands of justice in an *unjust* society)” (Mills, 2010, p.152) and should *prioritise* compensatory, rectificatory justice as a transitional normative project, which precedes any ideal (Mills, 2010, p.155).

The rectification of injustice would require more than just exploring the racialised and gendered aspects of the global economic order, for gender and race permeate not only economic structures, but the whole web of institutions and practices (the “basic structure” or “institutional order”)⁵⁴ of which economic structures form part, but which are not limited to strictly economic structures. Mills claims that:

Racial and gender injustice should be at the center of our attention rather than the periphery, [since] the ‘basic structures’ established and consolidated in modernity are both white-supremacist and patriarchal, [and] racial and gender injustices are *not deviations* from a flawed but basically sound institutional architecture *but constitutive of that architecture itself*. (Mills, 2010, p.154, ea.)

This is precisely the point that the theories on violence against women, on gender as the root of violence against women, and on patriarchy, introduced throughout this thesis, are making in various ways.

Mills uses the concepts of race and gender to denote the problem. He explains: it is not that in a just system, there would be no discrimination on the basis of race and gender; it is that *they would not exist*. Differences in pigments and sexual organs would not be socially and politically significant. According to Mills, “[a] social ontology in which races are existent is a social ontology in which the basic structure is *already* racialized, since *it is the basic structure that creates race in the first place*” (Mills, 2010, p.157, ea.). The same could be said about gender. The existence of these groups is “dependent on choices already made” and these groups “*would not have existed as groups* absent [past] public policy decisions”; they are “metaphysical manifestations of a basic structure founded on a particular kind of domination.” (Mills, 2010, p.157, ea.). Mills makes the point that the *intrinsically unjust* categories of race, and the relations of privilege and subordination, benefit and harm according to these categories, transcend nations (Mills, 2010, p.165). They are not contained in societal “basic structures”, but are global. The same is true in the case of gender, though the way this internationality came about is not as easy to identify as in the case of race, in which colonialism and imperialism is a clearly identifiable and undeniable historical fact. While colonialism did play a role where Western colonisers imposed imported gender norms (Jaggar, 2014c), it is not necessarily enough to explain the global presence

⁵⁴ For a detailed discussion of these concepts, please refer to the next chapter.

of hierarchical gender, which also prevails in societies that were not invaded, and mostly predates the colonial era.

Instead of considering racism an anomaly, Mills claims that “race is symbiotically incorporated” into the architecture of social and political thought (Mills, 2010, p.168); it is not an exception, but the rule. He understands race “in terms of objective racialized social systems, which *both tendentially generate racial attitudes (“racism”) and create race itself*” (Mills, 2010, p.168, ea.). Inherent in race is the dominance of whites, “white supremacy”, which means *de jure* or *de facto* “systemic and structural white advantage” and which is a global feature (Mills, 2010, p.164) along with patriarchy (Mills, 2010, p.152). Patriarchy or male dominance is the conceptual equivalent of white supremacy in relation to gender, which inherently includes systemic and structural male advantage.

According to Mills, all these issues, often not included in theories of justice and not consistently reflected upon in the mainstream justice discourse, ultimately rest on the lack of respecting the most basic moral principle, the equal moral worth of persons; on “the denial of equal personhood” (Mills, 2010, p.171). I will return to this claim in chapter 7. Mills’s suggestion, essentially, is to first counter racial and gender injustice, that is, to eradicate race and gender as social constructions of domination and subordination in reality, before having a discussion on justice amongst de-raced and de-gendered, equally cooperating individuals.

Catharine MacKinnon famously speaks out against the same approach of “neutrality” in law, which does nothing but entrench already existing gender injustice (MacKinnon, 1987; 1989b; 1994; 2005; 2013). Similarly to Mills, she calls for remedying existing injustice first, which requires laws and legal theories that are conscious of the realities women face, most importantly that of pervasive sexual violence in all the various forms described in the previous section, rooted in the accepted norms and practices of gender and heterosexual sexuality. Of course, some states do not profess the neutrality of law, but are explicitly skewed to give men power over women. MacKinnon points out that the normative ideal dominant in the tradition of political and legal philosophy, the approach presented as the one states should strive towards, neutral laws that frame sex/gender (and race) in terms of non-discrimination take no account of the nature of “sex inequality”. This inequality, she argues, is not a matter of sameness and difference, is not a matter of women being different from men and being treated discriminatorily at times because of

differences predating the inequality. Instead, dominance precedes the “difference”; the difference, the gendering of females and males into women and men, is created on the unequal basis itself, making “gender equality” something of an oxymoron (MacKinnon, 1987). This is not to deny physical, reproductive differences (sex), but the added meanings attached to these in social classification. MacKinnon claims that:

Inequality is a matter not of sameness and difference, but of dominance and subordination. Inequality is about power, its definition, and its maldistribution. Inequality at root is grasped as a question of hierarchy, which — as power succeeds in constructing social perception and social reality — derivatively becomes categorical distinctions, differences. [...] Keeping the reality of gender in view makes it impossible to see gender as difference, unless this [sexually] subordinated condition of women is that difference. (MacKinnon, 1994, p.34-35).

That is, MacKinnon also asserts that the gender categories to which norms and roles are attached succeed, not precede, inequality and injustice – that their existence is itself indicative of injustice. Similar to Mills, she also calls for rectification based on the examination of real-world facts. Just to better understand what this might mean: one of MacKinnon’s suggestions is to stop presupposing consensuality in sexual relations, and adjust the law and legal practice so as to mirror the reality of sexual relations and the ubiquity of rape. For, instance, this could mean shifting the primary burden of proof from women to men accused of rape. The current allocation presumes women to be lying despite ample statistical evidence that false rape accusations are extremely rare and that only a fraction of rapes get to court, and despite our knowledge of the continuum of sexual violence against women and the issues surrounding the concept of consent and the presumption of consent in heterosexual intercourse. While this might seem extreme, it would arguably correspond better to the realities of rape and could have a transformative effect (men having to make sure that there is affirmative consent) rather than the effect of current laws on rape that typically make rape hard to prosecute and discourages women from pursuing justice. Gender “neutrality” in law and legal practice facilitates injustice against women (and children) also in IPVAW cases, and there is a regressive tendency towards a gender-neutral view of domestic violence despite the recognitions afforded by the various related international conventions in place (VAWE, 2017).

I am inclined to agree with Mills, MacKinnon and Pateman, among others, that establishing the social categories of gender served to solidify a hierarchy between males and females, similar to how establishing the social categories of race served to stratify a hierarchy between white and non-white peoples and persons. The ideologies, practices and institutions thus developed entrench the hierarchy between men and women, resulting not only in women being discriminated against and disproportionately affected by economic injustice, but also in everyday sexism and violence against women. Thus, addressing injustice requires the recognition of the pervasiveness of gender (and race) — with an awareness of their hierarchical nature — in theories, institutions, structures, practices, ideologies and attitudes, and remedy it.

4.5 Global Violence Against Women and the Issue of Generalisability

I recognise that the theorists invoked above are from the Global North, and many of the examples come from there. One could raise the objection that though VAW *is* global, the dynamics, underlying causes and the concepts and theories built around these cannot and should not be generalised. There are diverse contexts globally, and even within particular societies. Extending analyses and normative evaluations that come from the Western academic discourse to the whole world might be considered automatically oppressive or colonialist. The argument of anti-essentialism (Spelman, 1988) proceeds in a similar vein; we cannot and should not imagine a simplified and generalised concept of gender, women, men, manhood and womanhood. I intend to respond to this objection in this section.

I introduced the argument that theories and theoretical traditions, laws and legal traditions dominated by men remain ignorant of women's experiences and hence result in definitions and principles that entrench already existing inequalities. We should be wary of committing the same mistake — but I believe it is a mistake that can be avoided. We need not refrain from talking about global VAW and global gender injustice. We just have to do it in a way that it is general enough so that it can accommodate different variations, yet it does not become overly vague. I do not propose to generalise from middle-class, white, Western women's experience to the whole world and women of all nationalities, classes, races and sexual orientations. I propose something quite different from that: that underlying the

varied experiences of women and the varied behaviours of men are similar issues. Proposing that masculinities and femininities have local and contextual variations is compatible with claiming that at their root, these all contain hierarchical notions and/or are used to legitimise women's oppression and men's dominance and violence.⁵⁵

First, and perhaps most importantly, both locally focused and multi-region comparative research presented in earlier chapters shows that in fact, similar root-causes underlie VAW globally. Empirically, descriptively, global VAW grows out of hierarchical gender norms and roles, whatever their specific local formulations. As was also mentioned before, similarities are such that VAW and underlying gender hierarchy are transferable – a man from one region may go to another and abuse a woman in a similar way as he would have in his country of origin. Similarly, insofar as acts along the continuum of violence can function to limit or alter women's use of public spaces on national levels, the same can be said internationally: lone women travellers may also navigate “geographies of fear” when they cross borders for the same reasons women do in their own towns and cities.

Turning to the normative, however, one might argue that even though this is the case, it is culturally colonialist to pass judgement on these norms and roles and their violent outcomes; *we* might think this is bad, harmful, oppressive and unjust, but other societies or communities, including women, may find that it is quite justified, and it is for each community to determine whether they accept it. I shall not enter the debate and discourse on multiculturalism and cultural relativism, though it is a rich field with many connections to this subject. Instead, I would like to point out just one argument within this issue: that in fact, in no place are women's judgements homogenous on gender injustice (or “differences”) and its outcomes. There are traditionalist, conservative and anti-feminist women everywhere – and there are also feminist women everywhere. This is not necessarily a situation of Western women's judgements and Western saviour complex forcing narratives and value-sets on women of the Global South. With regards to VAW, gender and patriarchy, there are women academics and activists from around the world that

⁵⁵ The next chapter also addresses this matter, especially the theories suggested to conceptualise different types of patriarchy (without denying that they are all patriarchies) (see chapter 5.4).

find the concepts and theories presented above and earlier in this thesis applicable to their own societies, or find that these can be adapted so as to address the issues their community is facing. There are women from around the world that have articulated the same concerns and normative principles in their own contexts or participated in furthering the same theories referred to here. Women from all over the world participated in the World Conferences on Women and in preparing the various international declarations that call for equality between men and women and an end to VAW.

To illustrate the adaptability of concepts and the similarity of underlying issues, let me give a few examples, with critical theories constructed by women within the particular contexts from where the examples are taken. In the West, as already mentioned, there is a social belief that women play “hard to get”, hence refusal by women should not be respected, as it is just part of the “game”. Countries that follow a strict interpretation of Islamic law do not distinguish between rape and adultery (*zina*), hence there is no concept of marital rape, and women raped by non-partners can be found equally guilty as perpetrators unless they produce four male witnesses or the rapist confesses (Sidahmed, 2001; Imran, 2005). In rural India, women and girls have no independent control over their sexuality, and should submit themselves to their husbands’ desires (Kalra and Bughra 2013). In some parts of Africa and the Middle East, FGM is performed with the rationale that women are unable to control their sexuality and urges and have to be controlled by FGM so that they do not enjoy sex (Asefa, 1994; 1998). These examples show variations in the rationale and excuse given for sexual violence and mutilation, and in the particular patriarchal ideology involved. Yet the common threads are clear: the legitimisation of VAW, justification of male dominance (particularly in sexuality), serving to take control from women and place it with men, and to deny women’s right and capacity to refuse sexual access for men.

Thinking along an unfixed concept such as a “continuum”, as presented before, might fit the bill for a vague enough concept so that it is applicable in various contexts and can be extended with various manifestations in diverse contexts, yet one that is specific enough to still say something: namely that grave violence is an extension of everyday practices, and that the reasons for this are gendered norms and roles deeply embedded in social and global-social structures (Kalra and Bughra, 2013).

Women globally do use the concepts employed throughout this thesis, find ways to apply them, work with them productively, also improving them in ways to address more and more diverse contexts. They might not follow through to the “radical” conclusion of gender itself as root-cause – but nor do many Western women and Western theorists. Women who work with the subject of VAW however, of various regions, seem to find that universally, VAW is gender-based in a strong sense.

4.6 Conclusion

This chapter introduced into the discussion two key feminist notions: that the personal is political, and that VAW is on a continuum with everyday masculine behaviour, owing to gendered norms of heterosexual sexuality and relationships. It showed the ways in which VAW is disregarded in mainstream political thought, and the reasons for this, and argued that VAW is in fact political, because it involves a system of power-relations, and because it is structurally reproduced. To further the latter point, it explored Kelly’s concept of a continuum of sexual violence, according to which “typical” and “aberrant” male behaviour, rather than being clearly separable, shade into one another, and underlying both are sexist attitudes against women.

The chapter pointed out that just as IPVAW grows out of the practices and dynamics of “typical” heterosexual relationships, sexual violence grows out of “normal” heterosexual sexuality. Norms regarding gender, heterosexual sexuality and heterosexual relationships underlie the continuum of violence, and VAW and the threat of and fear from violence reinforce the underlying power inequalities. One important example of this is the impact that casual sexism and harassment has on women’s use of public spaces and participation in the public sphere and the workforce.

The chapter also elaborated the idea that gender itself, as well as race, is hierarchical and inherently unjust, and that addressing how they are embedded in, and are constitutive parts of, the structure of society is necessary to address real-world injustices, where “neutral” approaches disregarding these or addressing them only as a matter of discrimination are moot. The last section responded to potential objections concerning generalisability and essentialism. It recognised the

challenges of constructing and applying theory and accounts to women's oppression and gender injustice globally, but asserted that it is possible and justifiable to do so as long as the concepts and analyses involved are adaptable to diverse contexts and as long as there are women from distinct contexts that find them useful with reference to their own communities.

By further scrutinising the context and embeddedness of VAW, the chapter aimed to support the argument that we ought to be concerned with the participation of many actors in addition to direct perpetrators. The next chapter will proceed in exploring the "structure" that reproduces VAW, focusing on the concept of patriarchy. Chapters 6 and 7 will attempt to construct a theory to address responsibility for VAW within the conceptual frameworks of global justice theory, building on the work of Thomas Pogge and Iris Marion Young.

5. Patriarchy as structure

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5.1 Introduction

This chapter discusses the concept of patriarchy, the central concept of feminist writing, activism and theory when referring to social structures characterised by male dominance. While in some sense, the entirety of this thesis discusses patriarchy and patriarchies, it is important to take a closer look at the concept itself. This is useful because the discourses in relation to the concept of patriarchy bring up key themes that need to be addressed when talking about VAW and VAW as a global gender (in)justice. Most importantly, it helps refine the role of various concepts, and helps grasp the various levels at which the root-causes of VAW are maintained and thus identify the types of responsible agents.

The chapter argues that “patriarchy” is the conceptual equivalent in feminist theory of what political philosophers since Rawls call “the basic structure”. Section 5.2 gives a brief overview of Rawls’s (1971; 2001) concept of *basic structure* and Pogge’s concept of *institutional order* (2008). Throughout the chapter, I will refer back to these definitions to show that on some understandings of patriarchy it is the conceptual equivalent of the basic structure, or even, patriarchy *is the* basic structure in currently existing societies. I argue that while the basic structure might not be patriarchy *per se*, the discourses on patriarchy in feminist theory bring valuable contributions to a (non-ideal) analysis and theorisation of the basic structures of currently existing societies worldwide. I argue that these basic structures qualify as *patriarchal*, through the genderedness of the institutions constituting them, and the gendered implications of the overarching concepts, presumptions and priorities of institutional structures that inform the *modus operandi* of particular institutions within the structure (such as the private/public distinction and the legal frameworks deduced from it).

Section 5.3 explores what it might mean that patriarchy is a social structure. It introduces theoretical frameworks on the constitutive elements and/or levels of this structure, the roles that they serve, and their relationships to one another. It also addresses the discourse on whether male dominance is enforced primarily on the individual level, through individual men's rule over individual women, or rather through institutions and in the public realm (as traditionally understood). It also addresses the role the concept of power plays in theories of patriarchy, and the question of whose power is of concern primarily – that of states and institutions, that of social groups (such as men and women), or that of individuals, or some combination of these.

The next section (5.4) addresses the questions of whether we can apply the same term to describe vastly different social structures, and whether we can speak of a global or transnational patriarchy. It introduces typologies to distinguish differently structured patriarchies and argues that gender might be interpreted as an institution that influences virtually all other institutions constituting patriarchal basic structures. Section 5.5 considers the relationship between patriarchy and other unjust, unequal or oppressive social structures, such as structures of racial and economic inequality. It discusses and attempts to respond to the challenges posed by considerations of intersectionality, and the arguments of socialist and Marxist feminists.

Finally, section 5.6 argues that Nancy Fraser's meta-theory on the dimensions of injustice is useful to understand the various dimensions along which male dominance under patriarchy is manifest. It argues that next to maldistribution, misrecognition and misrepresentation, insecurity is a prevalent and important dimension of injustice under patriarchy, and that this is a useful way to interpret VAW.

Before starting to explore the concept, let me clarify that there is no common definition of patriarchy that feminist authors — or those casually using the word — are referring to. The word is often thrown in as if its meaning was self-evident, but despite its frequent mention, the concept is surprisingly undertheorised. Pateman (1988) already discussed this problem in the late 1980s, but efforts to theorise the concept are still few and far between. More recently, Hunnicutt (2009) also called for the “resurrection” of the concept as a theoretical tool for the purposes of addressing VAW.

Nevertheless, even though the term *patriarchy* was for the most part abandoned, theory-making on the issue continued indirectly under different names, as “its meanings were imported into terms such as male-dominated society, sexual inequality theory, and the nebulous feminist perspectives” (Hunnicut, 2009, p.553). The list is long: there is a number of other recurring terms in feminist literature, such as sex/gender system; gender order; gender regime; gender hierarchy; institutional sexism; women’s oppression; gender oppression or gender injustice that are invoked to serve the same function as patriarchy/patriarchal in various, though not all, discussions. Silvia Walby, who wrote perhaps the most widely recognised work on the concept in 1990 (*Theorising Patriarchy*), also switched to “gender regime(s)” in her more recent work (2007; 2009; 2011). Walby notes that “gender regime” is the same as patriarchy, and explains that she uses it to avoid the risk of misinterpretations on the basis of incorrect presumptions on *patriarchy* as an “ahistoric, essentialist, unchanging, reductionist approach to the analysis of gender relations” (Walby, 2011, p.104). Walby’s account of patriarchy and later, of gender regimes, are discussed in section 5.3.

5.2 The concept of “basic structure” and “institutional order”

John Rawls’s theory of justice as fairness frames most of the contemporary discourse on the concept of justice in the field of political philosophy. Rawls (1971) argues that the subject of justice is not the actions that individuals perform, but the basic structure of society. According to Rawls, the basic structure is:

[The] way in which the main political and social institutions of a society fit together into one system of social cooperation, and the way they assign basic rights and duties and regulate the division of advantages that arise from social cooperation over time. [...] The basic structure is the background social framework within which the activities of associations and individuals take place. A just basic structure secures what we may call background justice. (Rawls, 2001, p.10)

Exemplifying the elements that constitute part of the basic structure, that make up a society’s institutional order, Rawls lists:

[The] political constitution within an independent judiciary, the legally recognised forms of property, and the structure of the economy (for example, as a system of

competitive markets with private property in the means of production), as well as the family in some form. (Rawls, 2001, p.10)⁵⁶

Rawls's theory concerns justice on the social level, or social (not global) justice; he developed his political philosophy regarding transnational or global relations in separate work, most importantly, *The Law of Peoples* (1999). Thomas Pogge, whose work, similar to Rawls's in the field of social justice, sparked significant discourse on global justice, builds on Rawls's theory in his focus on structures and overall institutional design, but he is in disagreement with him over the possibility and applicability of principles of justice on an international level. In contrast to Rawls, Pogge (2008) argues that societies and their basic structures are not isolated, but in a globalised world are highly affected by each other (mainly more powerful nations affecting less powerful ones) and by international institutions, which together make up a global institutional order. Since such an order exists, Pogge claims that the need to find some shared basic criteria to assess whether this institutional order is just is unavoidable (Pogge, 2008, p.39). The structural-institutional level he is concerned with, the "global institutional order", "institutional regime" or "design", is the global conceptual equivalent of the basic structure in Rawls's theory of (social) justice; the "global basic structure" (Buchanan, 2000; 2004). Some examples to illustrate what Pogge (2008) refers to when he talks about institutions in the global order are international patent laws (on pharmaceutical products), international monetary organisations and transnational economic transactions (especially the market of natural resources). Central to his criticism of global institutional arrangements is that these are characterised by privileges and protectionism – what he means by this is discussed in more depth in subsequent chapters.

Note that Rawls's theory is what may be considered ideal theory; his starting point is "what would justice look like?" and his aim is to construct an ideal towards which society should thrive, while Pogge's theory is non-ideal in that it starts out from "what is unjust now?", and his aim is to remedy what he sees as the most pressing injustices currently in existence, as a necessary, but not sufficient,

⁵⁶ Rawls initially (1971) considered the family a basic unit, prompting well-deserved criticism from feminists (most notably Okin, 1989). Even though in the revised statement of his theory in 2001, Rawls recognises that families are institutions rather than basic units and may not be internally just, he still falls short of taking intra-household and gender relations under critical scrutiny and demanding fairness in this respect (Okin, 2005).

requirement for justice. In accordance with this, Rawls's theory presumes that the basic structure fits together in a system of social *cooperation*, while Pogge's theory problematises the non-cooperative settings serving the interests of more powerful regions. Pateman and Mills's (2007) criticism (see also chapters 4 and 6) of Rawls and contractualist theory in general challenge the presumption of equal and mutually beneficial cooperation, arguing that the crucial motif we ought to be concerned with is domination and exploitation, which underlies structural-institutional arrangements in the real world. Pogge (2008) also highlights that in the global institutional order, the participating parties are not equals in a contract, but some countries have more power than others in designing the system and do so in a way that they benefit while those with less power subjected to the order are taken advantage of and are suffering. Mills (2010) finds that Pogge does not take his non-ideal approach and critical views far enough, as he side-lines race and gender, both major systems of non-cooperation and domination that are deeply intertwined with the sorts of injustices constituting the focus of Pogge's work.

When it comes to the international arena, both Rawls and Pogge talk about nations, societies/peoples or states as the main units, as the parties involved or parties subjected to the same regime. Rawls discusses "peoples" and "societies" and their appropriate conduct towards one another. Pogge focuses on "poor states/countries" in the global South and "wealthy states/countries" in the global North, and the international institutions and practices linking them within the same global institutional order. As we shall see in this and subsequent chapters, identifying the units or parties of concern in global gender (in)justice is a challenging task. Gender injustice is cross-cutting: the divisions between those with more and with less power are not reducible to geographic, border-dependent distinctions (in fact, it is questionable that any injustices are reducible in this way, as I will explain in more detail in the next chapter).

5.3 Patriarchy: institutional structure and power-structure

This section is dedicated to identifying the different elements and levels of patriarchy as a structure, identifying the agents holding and exercising power within this structure, and the kinds of power they have. In analysing the elements and levels of the structure I draw in particular on Walby (1990; 2007; 2011) and

Johnson (2005). The discussion on those exercising power within patriarchy will be framed by the exchange between Pateman (1988; Pateman and Mills, 2007) and Fraser (1993), drawing also on related discussions about the different levels of patriarchy.

Literally, patriarchy means the “rule of fathers”. However, the word came to encompass a wider meaning in feminist theory, applying to a variety of social setups that are characterised by male dominance. It is common practice to use the word interchangeably with male dominance, aiming to avoid the literal connotation (Jaggar, 1983). The level of interpersonal relations between men and women, though no longer treated as the central defining feature of patriarchy, is still considered significant, coupled with analyses of patriarchy as a structural-institutional setting. As the reader will see throughout this section, identifying the degree to which gendered interpersonal relations are significant *vis-à-vis* institutions and wider social relations is a challenge for theories of patriarchy, especially since the family or the household, where the bulk of patriarchal interpersonal exchanges and relations are located, is itself easily conceptualised as an institution. This matter is of high relevance, as the main site of VAW is also the family, though as I intend to show, this does not mean that only intra-familial power-relations and mechanisms are implicated.

Walby defines patriarchy as “a system of social structures and practices in which men dominate, oppress and exploit women” (1990, p.20). She notes that emphasising the understanding of patriarchy as a social structure is important in order to avoid falling back on biological determinism and the simplistic and easily disprovable idea that “every individual man is in a dominant position and every woman is in a subordinate one” (p.20). After her seminal work in 1990, Walby (2007; 2009; 2011) refined her initial theory, including her typology of institutions constituting the patriarchal social structure, which she now calls “gender regime” rather than patriarchy, and defines as “a set of inter-connected gender relations and gendered institutions that constitutes a system” (Walby, 2011, p.104).⁵⁷ I include a short summary of Walby’s conceptualization of the constitutive elements of

⁵⁷ Note that the switch to the term *gender regime* to denote patriarchy involves the recognition that male dominance/patriarchy and the definition of the masculine and feminine genders are inextricably linked. Walby does not use “gender regime in which the masculine gender is dominant” to substitute the term patriarchy, but simply gender regime, considering gender as inherently hierarchical.

patriarchy not because I necessarily subscribe to this typology, or because I hope to create a definitive list of elements or areas building on hers. Rather, my purpose is to show that the idea of “the structure”, system or order and the types of institutions and sub-structures constituting it is similar in feminist theories of patriarchy/gender regimes and in political philosophy; that the terms of these frameworks, while not equivalent, are compatible enough to combine and import feminist insights with and to the global justice discourse. Feminists already advanced a criticism of the “basic structure” or “order” that produces VAW, framed as a criticism of patriarchy, which is crucial to implement also within the mainstream discourse in political philosophy. I draw on Walby in particular because of her pioneering role in theorising patriarchy and because she is one of the few theorists who took on the task of trying to conceptualise patriarchy as a structure with more detail and specificity.

The “major institutional domains” according to Walby, are the economy, polity, violence and civil society (Walby, 2011, p.103), that together and with their interrelationships, constitute the gender regime. The economy includes the market and the systems of paid labour as well as the household and the systems of unpaid labour. The polity includes states and supranational communities (such as the EU) as well as “organised religions that have the capacity to regulate important aspects of social life, such as intimacy” (Walby, 2011 p.104). The state (next to being capitalist and racist), is also sexist or patriarchal, as it “has a systematic bias towards patriarchal interests in its policies and actions” (Walby, 1990 p.21).

The role of including violence as one of the four “institutional domains” in Walby’s typology is to stress its importance in organising gender relations (Walby, 2011 p.104). She contends that male violence is related to the state which “systematically condone[s] and legitimate[s]” it through its failure or outright refusal to effectively intervene, upsetting the idea of the state as the exclusive user of legitimate coercion (Walby, 1990 p.150). Meanwhile the practices of VAW are also “too decentralised [...] to be part of the state itself” (Walby, 1990 p.21). Walby contends that male violence against women (including sexual harassment) is so common that it affects the actions and behaviour of most women, and thereby has a significant influence on society and interactions in general. As the previous chapter highlighted, this is certainly true if we consider the cumulative effect the

various types of actions along the continuum of violence has on women's presence and treatment in the "public" realm.

The final item in Walby's typology of gender regimes' constitutive elements, civil society, encompasses "not only culture, knowledge institutions and the media, but also sexuality" (Walby, 2011 p.104). Patriarchal relations in sexuality include "compulsory heterosexuality" and the "sexual double standard" (Walby, 1990 p.21), i.e. the application of different rules to the sexual behaviour of men and women. Cultural institutions such as religions, education and the media are informed by male subjectivity, represent women through a "patriarchal gaze" (Walby, 1990, p.21), and prescribe the standards of behaviour and action expected and accepted from women (and men). It is apparent that Walby's framework intends to incorporate many of the empirical and theoretical feminist insights regarding the problems with gender relations and violence that were introduced in earlier chapters of this thesis.

Walby uses terms such as (sub)structure and institutional domain to denote the systemic elements together constituting patriarchy, an overarching social structure, rather than using the term institution or institutional practice. Yet, the elements of the overarching structure which she identifies are not unlike those Rawls or Pogge discusses. That is, they are not necessarily formalised institutions (such as a national bank, for instance), but sub-systems and rules of interaction that organise social and political relations (such as the "structure of the economy" that Rawls refers to, but including intra-household structures of unpaid labour). The feminist characterisation of the basic structure as patriarchy is even closer to the Poggean analysis of an institutional order in that it is centred on the criticism of current real-world structures influenced by principles advantaging the powerful and disadvantaging the powerless. Walby's talk of "gender regimes" in which institutions fit together into an overall system producing unfavourable outcomes is akin to Pogge's concept of an unjust global institutional order. Whether or not one subscribes to Walby's definition of what are the precise realms or institutional domains that constitute patriarchy, the point is that patriarchy or gender regime is conceptually similar to the Rawlsian and Poggean concepts of basic structure, institutional order or regime, and the sense in which they use the term "institution" is also similar. These concepts are all supposed to capture that the various institutions fit together to constitute one system that produces systemic outcomes;

and the structure that they constitute together is the subject of assessment as just/unjust.

Now, I turn to another aspect of patriarchy as a structure: from its constitutive elements (institutions in the sense described above) to its constitutive *levels* and the various social groupings that also serve as building blocks. The different levels in case of such a pervasive social phenomenon (or regime) as gender are challenging to define and disentangle. As gender is pervasive, the gender-relations that form part of the regime are present on the micro- (or interpersonal), meso-, and macro-levels as well, and can be analysed at different degrees of abstraction (Walby, 2009; 2011). One can look at the:

different forms of the gender regime as a whole; the relationship between the [...] institutional domains of the gender regime; gendered practices [at a lower degree of abstraction, such as] occupational segregation by sex [...]; and also individual and group experiences of gendered events [and interactions]. (Walby, 2011, p.104-105)

The ecological model exploring the causation and potential preventive methods of VAW introduced in chapter 3 (section 3.2) distinguished the individual, relationship, community and social levels. Theorists of patriarchy come up with roughly similar levels, highlighting a variety of types of associations and formal and informal, tangible institutions on the relationship and community levels, and a variety of complex institutions on the social level. For instance, Johnson distinguishes three levels, all of which are shaped by the principles of male-domination, male-identification and male-centeredness in the “deep structure” of patriarchy (2005, p.19). These are:

- (1) the individual level;
- (2) the level of associations including “actual communities, organisations, groups, and other systems in which we live our lives, [from larger to smaller], from cities and towns to corporations, parishes, [particular] marriages, and families”, schools, workplaces, and so on; and
- (3) the level of (complex) institutions or “institutional patterns of social life” such as the “family, economy, politics, religion, education, music[,] the arts” and the state (Johnson, 2005, pp.17-19).

In political philosophy’s thinking about the basic structure, only the macro-level of complex institutions receives increased scrutiny, as there is no analysis of pervasive principles (such as those of male dominance/gender or white supremacy/race) that inform not only this level, but characterise all associations and individual interactions and relationships as well.

The most salient issue that the various levels in patriarchy brings to the fore is the discourse concerning the best way to assign importance to domination on the individual or associative level (that is, the exercise of power of particular men over particular women), and dominance on the institutional level under patriarchy. I will demonstrate this debate through the exchange of Pateman (1988; Pateman and Mills, 2007) and Fraser (1993).⁵⁸

In line with the arguments presented in the previous chapter, Pateman identifies gender difference as domination, claiming that “the patriarchal construction of the difference between masculinity and femininity is the political difference between freedom and subjection” (1988, p.207). She likens the model of this domination to the relationship between master and slave on many occasions, claiming that “in modern civil society all men are deemed good enough to be women's masters” (Pateman, 1988, p.219). The “sexual contract” that underlies the social contract according to Pateman establishes the male sex-right, secures men’s access to sex and domination over women. Fraser (1993) takes issue with Pateman’s approach describing patriarchy through the sexual contract – the legitimisation of pre-existent power-relations between women and men in the so-called private sphere underlying the social contract. She argues that this means that Pateman (erroneously) perceives of patriarchy as “*a series of male/female master/subject dyads*” (Fraser, 1993, p.173, ea.), which she argues is not, or at least no longer, an accurate analysis of patriarchy. Fraser contends that Pateman presents women’s subordination as dyadic, exercised by particular men over particular women — as “first and foremost [...] the condition of being subject to the direct command of an individual man” (1993, p.173) — whereas “gender inequality is today being transformed by a shift from dyadic relations of mastery and subjection to more impersonal structural mechanisms that are lived through more fluid cultural forms” (1993, p.180).

It is important to note that Fraser’s criticism concerns the understanding of patriarchy in Western societies — the dyadic understanding may be appropriate in other places. Pateman (Pateman and Mills, 2007) responded that Fraser’s criticism misunderstood her point. She says she did not reduce institutions to a series of

⁵⁸ The issue is closely related to the feminist work on and criticism of family and the public/private dichotomy, see chapter 4.

dyadic relations in the way Fraser claimed, but rather, was concerned with “what it meant, in law and society, to be a “husband” or “wife”, “worker” or “employer”, and the “authority structures within which power is exercised, [...] the historical importance of mastery and the ways in which its legacy still lingers” (Pateman and Mills, 2007, pp.205-206). Structures are upheld by institutions, such as marriage and employment, which are maintained through contracts individuals enter into, reproducing the above categories of “husband”, “wife”, and so on (Pateman and Mills, 2007, p.206). Pateman takes issue with the presupposition that those entering and living under contracts are in an equal starting position, and the perception of contract as a neutral mechanism, rather than as itself embedded in social relations and institutions, creating relationships of subordination within institutions (Pateman and Mills, 2007, p.206). This occurs whether or not the particular participants who are in the category unto which power is conferred eventually use that power against those who are in the category over whom they are granted power (Pateman and Mills, 2007, p.205).

This debate serves well to demonstrate the intertwined nature of the discussions on power and structure, and the problem of pervasiveness, resulting in a tangled web of different agents participating in the patriarchal structure, and different levels of it (individuals; associations and social groups; institutions; and the sub-structures they constitute). Hunnicutt suggests talking about symbiotically existing and mutually reinforcing *macro-level patriarchal systems*, such as bureaucracies, government, law, market, and religion, and *micro-level patriarchal relations* in interpersonal interactions, families, organisations, patterned behaviour between intimates, and so on (2009, p.557). Hunnicutt’s macro-level systems are akin to Johnson’s complex institutions and Walby’s institutional domains, whereas micro-level systems of relations are equivalent to associations. Rather than reducing patriarchy to oppressive dyadic interpersonal relations between individual men and women, theorists of patriarchy seem to agree that “interpersonal dynamics are nested within the macro-level gender order” (Hunnicutt, 2009, p. 558).

The patriarchal dynamics present at different levels of society mutually reinforce one another, with the personal actions of men and women within this structure both formed by and influencing the broader community and broader institutional structures. Pinpointing that there is a combination of interactional and institutional acts and processes in constituting and maintaining gender regimes is

relevant in the project of exploring responsibilities: the preliminary model presented in chapter 7 will reflect on both.

5.4 Patriarchies globally

This section examines two key issues arising when talking about patriarchy globally: the challenge of a universal concept's ability to capture diversity, and the question of whether there is a global patriarchy. Critics of the term raise concerns over the possibility of describing vastly different societies across time and space with the same concept (Connell, 1990; Hunnicutt 2009; Walby 1990; Walby 2011). Given the differences between patriarchies, one might worry that a definition of patriarchy that applies to all would have to be pointlessly vague. The section will give an overview of suggested typologies of patriarchy that aim to capture both the shared character of patriarchies and the variations among them.

Walby distinguishes two types of patriarchy, according to which of the patriarchal institutional arrangements are more pronounced in a society. In private or domestic patriarchy, the dominant sub-structure is the structure of household production, while in public patriarchy, the dominant sub-structure is that of paid employment and the state (1990; 2011). Walby contends that owing to the economic processes of modern capitalism, there was a shift from domestic to public patriarchy over time, and that most societies in the global North transitioned to the public form of patriarchy or gender regime, while most of the global South did not or are in transition (2011, p.105). She does not frame this as a matter of great progress or development, only observes that the main sites of women's oppression and the relative importance of particular sub-structures change when shifts occur in history. The transition from the domestic to the public form does not mean that the sub-structure dominant in the domestic form – the system of production within the household – ceases to be patriarchal, only that it is no longer “the chief site”: it becomes less dominant than other institutional arrangements as women enter the public realms of paid employment and decision-making. According to Walby, there are variations in the degree to which an institution is patriarchal in different societies and times.

The processes of power in the domestic form of patriarchy are “predominantly *exclusionary*: they exclude women from locations of power and

influence”, whereas in the public form of patriarchy, they are “more often *segregationary*: while women are present in the public sphere, they are segregated through placement in positions of lesser influence and power” (Walby, 2011, p.105, ea.). The domestic form is characterised by strong gender-divisions in each of the institutional domains (economy, polity, violence and civil society), whereas in the public form the division is less pronounced, as women participate in all institutional realms, but this does not mean that inequalities are necessarily less intense (Walby, 2011, p.106). Walby also emphasises that in both forms, women and women’s labour is appropriated: while in the domestic form, the form of appropriation is individual, in the public form, it is collective.

Walby’s model has merits: it manages to say something specific about what patriarchy is, but allows for significant variation according to the institutional setup that is most dominant in a society, and the different degrees to which a given institutional realm’s setup is patriarchal (e.g. how big a wage-gap exists between men and women). However, it should be noted that even within the two types she identifies, there are variations, according to culturally and historically influenced local customs of kinship and the dominant mode of production within the economy. For instance, we might want to distinguish between the “classic patriarchies” of North Africa, the Muslim Middle East, and South and East Asia and patriarchies in Sub-Saharan Africa (Kandiyoti, 1988). “Classic patriarchies” are places where kinship and property rules make women fully dependent on their husbands and male children and make subservience the best life strategy for women (Kandiyoti, 1988). Meanwhile, the polygyny practiced in Sub-Saharan contexts made women less reliant on their husbands, thus women have more autonomy and bargaining-power, even if still lesser than that of men (Kandiyoti, 1988). It must also be noted that the particular characteristics of contemporary African patriarchies are an outcome of a combination of vastly diverse local precolonial patriarchal settings and Western patriarchal approaches imposed in the colonial era (Berger, 2003; 2006). If we take the lasting impact of Western colonialism seriously, it also confirms that we cannot perceive of patriarchies globally as isolated national or regional units without intersecting structures and region- and border-crossing influences.

This does not invalidate Walby’s framework outlining two main types of patriarchy, yet it does confirm that there might not be a historically linear transition (starting from a fully exclusionary domestic patriarchy and heading towards a

segregating public patriarchy). It also highlights that we have to take seriously the caveat that there are different degrees of patriarchal-ness within the different institutional realms, perhaps constituting gradations between the categories of domestic and public patriarchies rather than clear-cut categories. Walby herself also proposes that there are sub-types, such as the neoliberal and the social democratic forms of public patriarchy (Walby, 2011, p.104). Thinking again in terms of a continuum as the previous chapter suggested, rather than clear-cut categories could accommodate more diversity regarding the relative importance of the sub-structures or institutions of patriarchies in various societies, while recognising the shared “patriarchal-ness” and underlying principles (male dominance/gender).

Differences between patriarchies are present not only in their institutional settings and the relative importance of institutional domains in maintaining male dominance, but also in ideology. The two are also inter-related in that ideologies are also expressed by institutions, and the degree to which given institutions in a society are dominant has an influence on which kind of patriarchal ideologies are going to be dominant. For instance, in societies where religious institutions have significant influence, religious patriarchal ideologies are dominant. As discussed above, despite the fact that patriarchies may work in different ways (that is, with an emphasis on different institutions within the overall structure), they also have a shared basis. Similarly, the fact that different formulations of core patriarchal ideologies (ideologies that legitimise male dominance in various ways) exist in different societies and may even be embodied in fully contradictory practices (such as expectations of modest vs. sexualised presentation), does not mean that we could not call all of them patriarchal.

So, can we say that there is a global patriarchy? It may be a stretch to proclaim that there is a global super-structure that constitutes a singular global patriarchy, but there is indeed a transnational level of institutions that theories of patriarchy should not fail to take into account. Unless, of course, we are ready to fall back on biological determinism to explain why gender inequality, injustice, VAW and its underlying root-causes and motivations are global. It seems universally true that “every act of violence against women is embedded in a larger social organisation[, ...] a gender social order” (Hunnicut, 2009, p.556); the question is, what is the relationship between the various gender orders. Walby’s newer work (2007; 2009; 2011) describes not only national but also transnational

institutions such as the EU and religions as forming part of the institutional realm of the polity. I am inclined to agree: institutions that have a significant effect on social and political life, even if they are “above” the state level, constitute part of the web of institutions of particular patriarchies or patriarchal basic structures. While there is no global state, there are global institutions that – as Pogge and others argue (see chapters 6-7) – constitute a global basic structure or global institutional order. Even if we challenge this claim, however, and assert that the transnational processes and institutions in place do not amount to a global basic structure or institutional order, this does not mean that we ought not scrutinise those institutional processes that *are* in place or that an obligation to institutional reform or the creation of new mechanisms per definition cannot exist as a requirement of justice (Martin, 2016).

The global order (if we assume there is one) is hard to conceptualise as a single patriarchy, as its institutional sub-structures are even more complicated to disentangle than those constituting social-level orders. One might consider each state a sub-structure of a global patriarchy, but, I would argue, the web of institutions, including those operating transnationally, is too complex to allow this simple definition. While we cannot provide a neat outline of what might constitute a global patriarchy, some connecting features linking patriarchies into a global system are discernible in the presumptions and processes operating on the international level, which are akin to those informing state-level institutional sub-structures. For example, the economy, the labour market on both the state levels and the global level presumes workers who have no responsibilities outside paid work, thereby perpetuating the same patriarchal labour market setup as national institutions. This is coupled with a shared logic of states’ and international institutions’ discounting of care as an essential service and indispensable expenditure. As previous chapters also highlighted, international monetary policies impact upon social services provided within states implicitly counting on women’s unpaid care labour to make up for services by the state (Jaggar 2009); and states do not provide sufficient services of this sort in the first place. Changes induced by globalisation and economic processes that many consider neo-colonial have a strong effect on societies, including the status of women (Hoodfar, 2001; Jaggar, 2009; 2014a; 2014c; Parekh and Wilcox, 2014).

Concerning violence, the issue that men are “much more likely than women to be engaged in its practice and deployment, as well as hold power over its regulation” (Walby, 2011, p.105-106) holds true with regard to inter-state violence just as it holds true with regard to intra-state violence. In addition, the inefficiency in international institutions to combat VAW and the logic underlying it resembles that of state institutions, and legal frameworks are based on men’s experiences similarly to those on the state level, as discussed in chapter 3. There are private global economic actors and industries, such as the human trafficking and pornography industry, that are inefficiently combated or not even addressed neither by state, nor by global regulations. Transnational processes concerning the influence of states and companies of the Global North feeding into armed conflicts in the Global South, extensively discussed by Pogge (2008; 2010b) are also implicated in strengthening violent masculinist gender regimes and in increasing women’s insecurity. There is a variety of historical transnational processes and lasting “cross-border dimensions” between patriarchies that make analyses of patriarchy as a strictly domestic structure unrealistic (Patil, 2013, p.874).

In addition to these interconnections, there are transnational processes that might be explored as “cycles of gendered vulnerability” (Jaggar, 2009; 2014b). Jaggar (2009; 2014b) suggests that there are systematically reproduced vulnerabilities women face that accumulate in globally prevalent “gender disparities”, though the ways women face these vulnerabilities are varied according to class, race and nationality. Her central example is domestic and care labour, which is largely privatised and feminised globally, and as already mentioned, is counted upon when social security and welfare services are reduced (in national policy and/or owing to international financial organisations’ pressure). There are varied manifestations of this “cycle”: while poorer women both in wealthy and poorer countries are expected to take on these burdens unpaid, in the Global North often poor(er) migrant women are hired as low-wage, unskilled, usually undocumented and unprotected workers to perform these tasks for wealthier families in which women have no time for them.

VAW does not constitute a cycle that relieves any woman from the possibility to become a victim (unlike when rich families hire domestic servants relieves rich women hitherto presumed to have had this unpaid task from performing care labour for free). Yet the concept of “transnational cycles” is useful

to demonstrate the internationally transferrable nature of patterns in gender regimes, and to underpin the claim that gender injustice is a matter not only of social justice, but also of global justice. For instance, thinking in terms of transnational cycles (or a continuum, see chapter 4) might be useful to conceptualise situations like the recent Oxfam scandal. In this case, representatives of the global charity organisation engaged in a system of ‘aid for sex’, abusing women in beneficiary countries, with executives in the organisation (which also makes use of public funds) ignoring the emergence of this practice (Dixon et al., 2018). Meanwhile, abuse within the organisation between “peers” also occurred in richer countries’ Oxfam charity shops, with 10% of staff experiencing or witnessing rape and sexual assault in some countries, including underage volunteer girls victimised by adult volunteers – which has also not received appropriate response from the organisation (Dixon et al., 2018).

There is another proposal to conceptualise gender injustice on the global level, building on Charles Mills, whose critical views I introduced in the previous chapter. Regarding race, Mills posits that while recognising colonialisation and racial exploitation (slavery) as grave historical injustices, and the current state of global affairs as an outcome of those injustices is welcome, this recognition is not enough. Going further, he calls for a “formal recognition of race – white supremacy – as *itself an international institution*, with effects both material [...] and ideological” (Mills, 2010, p.164, ea.), to recognise it not only episodically, but systematically, as a fundamental feature and product of the global basic structure. I contend that it is similarly necessary but insufficient to recognise historical gender injustice, and together with Mills, I hold that gender inherently includes male dominance just as race includes white supremacy. Similarly to race, gender may be theorised as an institution itself, an element constituting part of currently existing basic structures and the global basic structure. However, given that it influences and organises social relations and interactions, and is upheld and codified both informally/socially and formally/officially, I am wary that a description isolating gender as a separate, distinct institution, cannot capture the pervasiveness of gender as present on every structural level and in the ways all social and supra-social institutions and institutional norms are constructed. If we consider gender an institution, it should be conceptualised as one that is deeply interwoven in and intertwined with others, while also existing in its own right and not only through its

influence in other, more commonly recognised institutions, such as “the economy” or the “legally recognised form of property” (Rawls, 2001, p.10). I find it more conceptually viable to perceive of gender as an institution, insofar as we do it this way, than to recognise violence as such, as Walby (2011) suggests.

Since there are various gender regimes or various forms of patriarchy globally, and since the global structure is less clearly defined, it is dubious whether a particular set of global institutions constituting a global patriarchy could be identified as neatly as it might be done on the social level. Hence, I do not endorse the idea that there is *a* global patriarchy, but that nevertheless, institutions that constitute the global institutional order or global basic structure *are patriarchal*, and by virtue of this, so is the order itself.

5.5 Intersecting structures of inequality

This section investigates the relationship of patriarchy with other structures of inequality. The first part of the section will discuss intersectionality, particularly the structures of gender and racial oppression, and of gender and class or economic inequality. The second part of the section scrutinises the definition of patriarchy as only or mainly a material or distributive injustice, and the role and manifestations of advantages and disadvantages that are not captured by a purely materialist approach.

Introducing the rich literature of historical analyses and theories that aim to identify which inequality came first, is beyond the scope of this chapter. Yet it is important to mention that there are competing theories regarding which structure of inequality is structurally superior, subsuming the rest, coupled with competing historical analyses regarding the order in which inequalities have emerged. Materialists (including socialist and Marxist feminists) argue the primacy of relations in the mode of production in shaping and creating inequalities, and name capitalism as the source of the current forms of patriarchy as well as of other modern forms of inequality and injustice. Radical feminists (and some socialist-radical feminists) argue the primacy of gender relations, and name patriarchy as the source of all other injustices and systems of inequality, including capitalism, colonialism and colonial exploitation, racism and environmental destruction (Lerner, 1986; Millet, 1970). Some postcolonial/decolonial feminists hold that it is neither class

nor gender that “came first” or “comes first”, but Western white supremacism (Smith, 2006).⁵⁹

Section 5.3 already made clear that patriarchy does not consist in only a series of dyadic relationships of dominance between individual men and individual women, but these relationships are nested in an overall structure. Earlier chapters also clarified that individual women may suffer transgressions not only at the hands of one particular man (such as her husband or partner) corresponding to her on a one oppressor-one oppressed dyadic basis, but rather, the behaviour and interaction of many men and many women matter on the individual or interactional level within the structure of patriarchy. Meanwhile, asserting that the patriarchal structure is characterised by men as a group dominating women as a group is challenged as a simplification of social relations. If we took this to mean that that all men have power over all women, that would not account for variations in power according to various intersections, most importantly racial and distributive inequalities.

We need not disregard intersectionality in order to assert the prominence of male dominance, however. One can maintain that in patriarchal systems, gender hierarchies are a/the central organising feature, but other group divisions (such as race, class, sexuality, age, dis/ability and belonging to different national or religious groups) “mediate gender statuses, assigning males and females varying amounts of social value, privilege, and power” (Hunnicut, 2009, p.558). It seems to me that a definition of patriarchy as “social arrangements that privilege males, where men as a group dominate women as a group, both structurally and ideologically” is viable, keeping in mind that other group divisions also mediate positions and that gendered “hierarchical arrangements [...] manifest in varieties across history and social space” (Hunnicut, 2009, p.557). That is, while men as a group do have power over women as a group, afforded by structural arrangements and ideologies of dominant masculinity, this does not mean that each and every individual man constantly holds and exercises more power in every aspect of life and society, and holds and

⁵⁹ There have also been attempts to name an overall superstructure within which the various “intersecting systems of oppression” (Collins, 2000, p.299), various “regimes of inequality” (Walby, 2007) or “intersecting structures of domination” operate (Schüssler Fiorenza, 2001). The concept of kyriarchy (Schüssler Fiorenza, 2001), intended as a theoretical tool for intersectional analysis to name the overall structure encompassing gender, race, class and imperialist/colonialist structures of domination failed to gain much traction. The reason for this might be that it is dubious whether one can at the same time capture the complex particularities that an intersectional approach requires, the wider gender/racial/class/colonial structures *and* the all-encompassing kyriarchal mega-structure in which they are all situated.

exercises this power constantly over each and every woman. It is undeniable that some women have more privilege and power in some respect and in some social spaces and interactional contexts than some men.

Accepting this as valid and acknowledging that persons belonging to multiple groups that mediate their position *vis-à-vis* others does not mean that structures of inequality cease to apply. Nor does it mean that persons belonging to both a super- and a subordinated group according to different axes of social stratification cannot exercise power over another person whose position is the reverse of theirs. In the case of gendered power, there are several situations in which black and/or working class men may control white and/or middle class women. Black and/or working class men might, most importantly, use VAW against any woman in the very same way white and/or middle class men might — if such situation arises. Patriarchal male entitlement also gives men who are placed in the lowest positions in society a sense of superiority over otherwise (not gender-wise) more highly placed women (Johnson, 2005), perhaps with the exception of extreme cases such as a mistress-slave relationship in a slave-owning society or a queen-servant relationship in a monarchy. The economically underprivileged or class-oppressed construction-worker “can feel within his rights *as a man* when he sexually harasses a well-dressed professional woman who happens to walk by” (Johnson, 2005, p.9, ea.). One can think about several other situations in which male dominance may emerge while the woman is afforded a supposedly more privileged position by other structural inequalities. For instance, in heterosexual interracial marriages where the husband is Black and the wife is white, or where the husband is Roma and the wife is white, and so on, it is quite possible that the relationship will play out in accordance with a gender-based structure of domination rather than a race-based one. If it were not possible to posit that gendered power can transcend intersections, we would have to say that gender-based VAW as defined by the previous chapters (that is, VAW that grows out of and is motivated by, hierarchical gender) can only apply in cases where the perpetrator and victim share in all social group characteristics other than gender.

The intersectional approach was originally devised to describe scenarios in which persons that belong to more than one oppressed category/group face a type of discrimination that cannot be reduced to either basis, but results from their

combination (Crenshaw, 1989).⁶⁰ The term has since come to express that the various oppressions one faces cannot be captured by simply adding them together, for example being oppressed *as* a woman and *as* a Black person by different structures of domination (sexism and racism), but it should be thought of as an indivisible combination, oppression *as a Black woman*. It is possible, however, that this is true in some situations, and not in others; that situations exist in which the oppression experienced is of a more complex nature does not mean that in all situations, it is impossible to gauge which characteristic is more relevant. When a Black woman is abused by a Black man, we can perceive this abuse as one arising from patriarchal structures, from gendered relations of power and from gendered motives on part of the perpetrator. In this sense, this is abuse she faces because she is a woman, and abuse that she faces as a woman within the structure of sexist oppression, and not necessarily as a *Black* woman, even if in other cases she faces forms of oppression and abuse because she is a Black woman, as a *Black woman* within the intersecting structures of racist and sexist oppressions. Similarly, if she is racially profiled and targeted, or even abused by police (if this is done in a non-sexual way), she is facing the abuse primarily as a *Black* person, not as a *Black woman*. Even though her identity is always composed of a combination of group-belongings, in many cases we can discern which characteristic is more relevant, which one gives rise to the discrimination or abuse, and which (racial and/or gender) structure is responsible for it. It is also true that other bases of oppression may alter the experience and the aftermath of abusive situations. For instance, a Black woman might be more fearful or sceptical of turning to the police in the case of VAW, or a Muslim Arab woman might face gender-dependent barriers to seeking justice against unfair racially biased police/state treatment that her male counterparts do not face.

⁶⁰ Contemporary discussions of intersectionality often focus on complex identities as experienced internally by individuals. However, I focus here on the original purpose of the term, which aims to capture that (external) oppression and discrimination may play out in ways such that it cannot fit into any one categorical basis, but is the outcome of a combination of group-based oppressions. Crenshaw's (1989) original example is that of a factory, which employed both (white) women for some jobs they found fitting for (white) women, and also employed people of colour (black men) for jobs they found fitting for men; yet they did not employ black women. This discrimination could not be articulated and legally contested with the use of any one categorical basis, as it comes from a combination. For the purposes of analysing structural inequality playing out in interpersonal situations, I shall not focus on victim's complex internal identities, but on whether the particular scenario can be captured by reference to a particular basis of inequality, or it is unintelligible without considering a combination of group-based oppressions.

In the case of persons belonging to both a category superordinated by one oppressive structure and to a category subordinated by another oppressive structure, it is especially possible to perceive them — for the purposes of analysing the structural oppression manifested in the situation on an interpersonal level — as one thing in one situation, and as another in another situation. Simply put: context matters to the relevance of intersectionality. This also means that some women (for instance, white women *as white*) might have power granted by one structural oppression (racism) over some men (for instance, Black men *as Black*) in some situations (for instance, at a Donald Trump rally). Meanwhile some Black persons (for instance, Black men *as men*) might have power granted by another structural oppression (sexism or patriarchy) over some white persons (for instance, white women *as women*) in some situations (such as any situation where sexual or partner abuse might occur). Focusing on gender specifically: in the “right” circumstances, any man might exercise control over and violence against any woman, and this possibility is granted by the structure of patriarchy (and/or its ideology, as I will soon discuss). In fact, it would be quite troubling if we could not distinguish the relevance of the perpetrator’s maleness from the relevance of the perpetrator’s race in cases of VAW: we could easily end up with reinforcing the trope of the Black man raping white women (Davis, 1983) rather than focusing on what matters in the context, which is typically the perpetrator’s maleness regardless of his race. At the same time, there are cases in which the combination of both race and sex/gender matters, and the basis of the act could not be described without reference to multiple structural inequalities; for instance, when a white male police officer takes a Black woman into custody without justifiable reason and sexually assaults her. However, from a structural perspective, race is not necessarily equally relevant in *all* white male perpetrator/Black female victim cases.

It has also been argued that wider projects in criticising patriarchy, such as problematising the household as a site of oppression for women, fails to incorporate the experiences of women who belong to racially oppressed groups, and for whom mothering and the family might be an important site of empowerment in resisting racial oppression (Collins, 2000). Yet studies of gender-based IPVAW in the Black household also abound. That the family might be an important site of resistance does not cancel the claim that for women of any race, it is also a site of oppression. Prioritising racism as *the* relevant structure of oppression for Black women and

accordingly, emphasising the family as a place of empowerment and resistance against domination would fail to take into account the experiences of many Black women, just as denying the importance of the family as a potential site of resistance in racial oppression would.

Therefore, while we should recognise that people might belong to both dominant and oppressed groups at the same time, or multiple oppressed groups, according to different axes of inequality, and keep in mind that this produces complex intersectional experiences of oppression in some contexts that should be considered, it can also be appropriate to talk about persons as members of a particular group (not only as members of multiple groups). With this caveat, it is defensible to talk about patriarchy as Hunnicutt does, as a structure in which “men as a group dominate women as a group”, a “hierarchical arrangement” (2009, p.558) where persons belonging to the group of men, by virtue of belonging to that group, are structurally enabled and ideologically conditioned to exercise power over women *qua* members of the group of women, without losing sight of the complexity.

That gender hierarchies are *the central* or main organising feature (Hunnicutt, 2009) is harder to establish, and it is an idea most contested by socialist and Marxist feminists. Proponents of this idea argue that gender, unlike other social categories — such as race — is the unifying “mega social role that is prior to, and prioritizes, a social individual’s other social roles” (Witt, 2012, p.3.). They also assert that racial categories vary throughout histories, cultures and locations, whereas gender categories do not, establishing patriarchy as a social universal (Witt, 2011, p.98). This is, in some sense, the reason that it is possible to talk about patriarchal societies globally. If gender categorisation (which by default includes a hierarchical relation between the genders, and as such, the seeds of patriarchy) were not universal, the statement that institutions in the global order are patriarchal would have no meaning.

In the case of class and gender, or capitalism and patriarchy, the debate focuses less on experiences, and more on the relationship of the two structures. As already mentioned, Marxist and socialist feminists contend that the central organising feature of society is the system and relations of work (or the mode of production). They conceptualise patriarchy as an issue of appropriating and exploiting women’s productive and reproductive labour either as a process

subsumed under capitalism (when capitalism is considered the main structure), or as a complementary process (when capitalism and patriarchy are considered combined structures, each concerning a particular type of re/productive relations). The latter is known as dual-systems theory, and it addresses patriarchy by “theorizing a separate system of work relations that organises and directs human sexuality, nurturance, affection and biological reproduction” (Ferguson and Hennessy, 2016, np.). The conceptual equivalent of the economy or the mode of production in dual systems theory is the “sex/gender system” (Rubin, 1975; Hartmann, 1979) or the system of “sex/affective production” (Ferguson 1989; 1991; Ferguson and Folbre, 1981) (Ferguson and Hennessy, 2016). Similar to the Marxist view of economic history, this system also allows for variation throughout time, initially based on kinship arrangements and transforming according to the shift to commodity production (Rubin, 1975). This idea is not far from Walby’s model of domestic and public forms of patriarchy, including its shortfalls, in hypothesising a linear unidirectional transformation from one form to the other. According to dual systems theory, women as a group constitute a “‘sex class’ (or gender class) which cuts across economic lines” owing to their role in re/production and care, the “gendered exploitation in a system of meeting human needs” (Fergusson and Hennessy, 2016, np). Radical feminists, in contrast to Marxist and socialist feminists, hold that “women’s work is part of a separate patriarchal mode of reproduction that *underlies all* economic systems of production and in which men exploit women's reproductive labor” (Ferguson and Hennessy, 2016, np. ea.).

Defining patriarchy on the basis of relations of re/productive labour follows a Marxist logic of the base giving rise to the superstructure, with supporting ideologies legitimating the relations of re/production. Feminists that are not explicitly Marxist or socialist also consider the system of labour, both in paid and unpaid work, and the resulting distributive injustices a key, if not *the* key, feature of patriarchy. However, while the material base plays a significant role in the theories of patriarchy discussed above, various elements identified as “institutions” might be considered ideological in Marxist terminology. Hunnicutt (2009), while she recognises its prominence, warns not to focus exclusively on material structure but also on ideology (superstructure in Marxist theory). She argues that “[a]n exclusive focus on structural gender inequality masks the ways in which male dominance is often dependent on ideologies”, and even if there are gains in terms

of structural improvement, “gender ideology that favors gender inequality can diminish the strength of women’s structural gains” (Hunnicut, 2009, p.563).

Whether one contends that patriarchal or gender ideologies precede the creation of the given configuration of the patriarchal structure, or one holds that ideologies are preceded by structural settings only to legitimise those settings, patriarchal or gender ideologies invariably serve to uphold patriarchy, and therefore, merit a closer look. The next part of this section will discuss the ideological aspects of patriarchy. In the final part of the section, I will argue that these ideologies serve to legitimise not only structural features of a distributive nature, but also structural features of a more symbolic quality that are nevertheless structurally constitutive and express relations of power.

Johnson (2005) identifies several characteristics in patriarchal societies, many of which he considers “ideologies”. According to him, “[a] society is patriarchal to the degree that it promotes male privilege[...] by being *male dominated, male identified, and male centered*” (Johnson, 2005, p.5, ea.). Patriarchy is also guided by “masculine values”, as it is “organised around an *obsession with control*” (Johnson, 2005, p.5, ea). The characteristics of patriarchy Johnson identifies, and his use of the term “privilege” illustrates various elements recurring in the broader literature. The characteristics he lists mean that in patriarchies:

- [1] men disproportionately occupy positions of power and authority,
 - [2] central norms and values are associated with manhood and masculinity (which [...] are defined in terms of dominance and control), and
 - [3] men are the primary focus of attention in most cultural spaces.
- (Whisnant 2013, np.)

On the other hand, women and norms and values associated with women are devalued and marginalised, and women are socialised into giving up space and attention to men. Invoking the term “privilege” works to also encompass the practice of assigning unfair advantages to some people, based on social categories. This includes processes and outcomes of a material or distributive nature, but is not restricted to these. Johnson understands privilege in McIntosh’s (1988) terms, as unearned advantage granted to some categories of people while systematically denied to other categories of people. Privilege is something that people access to different degrees in accordance with various socially relevant categories that also

determine status. The use of the term “privilege” in this sense perceives the system of male privilege as a case of unequal access to resources. At the same time, other elements of Johnson’s (2005) definition address also less tangible forms of “privilege” and power, related more to status and recognition on the one hand, and political authority or representation on the other. That patriarchies are male-centered and male-identified in practice also manifest in laws centered on the experience and interests of men; these “ideologies” are behind the criticism and analysis by feminist theorists of law, mentioned in previous chapters. Walby expresses the same issue when she describes the state as a patriarchal structure owing to “a systematic bias towards patriarchal interests in its policies and actions” (1990, p.21). Thus, patriarchal ideologies do more than just support the relations of re/production present in capitalist patriarchy; they support a much wider set of arrangements serving men’s interests and power. The next section looks to Nancy Fraser’s work to capture the dimensions in which injustice is manifest under patriarchy, in addition to distributive aspects.

In this section, I intended to show the challenges of theorising the combination of gendered, racial and economic structural injustices. Despite these challenges, I argued that it may be justifiable to analyse situations arising from structural injustices in a way that identifies a basis of particular importance, and that it is justifiable to analyse patriarchy, insofar as structural complexities are acknowledged, and we do not posit that there is any one singular defining structure.

5.6. Building on Fraser: Multiple dimensions of injustice in patriarchy

There are some consistent themes that emerge in definitions of patriarchy and its discussion as a structure. In order to bring these together, Nancy Fraser’s typology of different dimensions of injustice is a useful tool. Fraser has a long-lasting mission of reconciling the dichotomous conceptions of justice as redistribution and justice as recognition. She contends that neither forms of the corresponding injustices — the injustice of maldistribution, and the injustice of misrecognition — can be reduced to one another, and that broadening the definition of either one to subsume the other is therefore not only hard, but would lead to a tautology that would not resolve underlying dilemmas (Fraser, 1996, p.27, p.30). Originally, Fraser aimed to construct a “bipartite” conception of justice, including these two conceptions

(2007). Later, however, she added a third dimension: justice as (political) representation, of which the corresponding injustice is misrepresentation (Fraser, 2008a; Fraser 2008b; 2008c). Underlying the two, and later three dimensions, and connecting them into a common framework, Fraser comes up with an ultimate, overarching normative principle and definition of justice as participatory parity.

Participatory parity is a condition making it possible for all to participate on a par with one another, as peers in social and political life. The problem with subjugation and oppression, what makes these dynamics and practices unjust, is that they impede this peer-like participatory interaction. Participatory parity is to be ensured by institutions, broadly understood — social arrangements that permit and aid its fulfilment. Consequently, injustice, in whichever form or dimension it arises, is unjust because it prevents the participation of some as peers in society. Justice requires that institutionalised obstacles preventing people from such participation as full partners be deconstructed, which means that justice is to be reached by institutional reform or reconstruction. As it is also visible in practice, providing formally equal rights is a necessary, but not sufficient, measure in providing the institutional pre-conditions of parity. My aim is not to discuss whether Fraser's theory is the most suitable theory for theorising injustice. I introduce it because it seems to me that the three dimensions she defines are useful in capturing many of the issues theorists of patriarchy highlight, even if not all of them (violence being a possible exception). The concept of participatory parity, while somewhat vague, might also be useful, as it describes relations the lack of which is similar to patriarchal gender-relations, characterised by control and dominance, and it describes the kinds of relations inhibited by VAW, especially IPVAV.

According to Fraser's framework, the injustices impeding full parity of participation in the current social, and possibly global reality are maldistribution, misrecognition and misrepresentation (Fraser, 2008a). In the distributive dimension, improperly designed and improperly functioning economic structures are at fault for denying the resources to persons necessary to participate in a peer-like manner with others. Earlier, Fraser called this the "objective" precondition of participatory parity, as opposed to the "intersubjective" precondition pertaining to the dimension of "recognition" (1996, p.54). When Walby (1990) analyses the family (or the "mode of production" in the household), and the labour market, as the first two sub-structures of patriarchy, which she later, together, calls the

economic institutional realm (2008; 2009; 2011), it is injustice in a distributive sense she is concerned with. This dimension receives the most emphasis in Marxist and socialist feminism, including dual-systems theories, and it is also the almost exclusive focus of global justice theory in contemporary political philosophy. In Johnson's (2005) theory, the key term is privilege, understood as a case of unequal access to resources.

In the dimension of recognition, injustice is detected when there are hierarchies that deny some people the requisite status and respect to participate as peers. While Fraser locates the root of this injustice in culture, the condition nevertheless becomes injustice by practices resulting in factual impediments to equal participation, via structural-institutional barriers or the lack of reforms counteracting the cultural effects. "[T]o justify claims for recognition claimants must show that institutionalized patterns of cultural value unjustly deny them the intersubjective conditions of participatory parity" (Fraser, 1996, p. 38). To make this more tangible, one manifestation of this would be the practice of neglecting or devaluing female workers' input in a workplace, even if female workers earned the same as their male counterparts (and hence were not materially disadvantaged).

Many of the sub-structures and sub-structural institutions that Walby (1990; 2008; 2009; 2011) identifies involve the injustice of misrecognition. In the areas of sexuality and intimacy, and in what she calls polity, cultural institutions and civil society, the norm of male subjectivity and the practice of representing women through a male gaze in the media and other cultural institutions result in injustices best described as misrecognition. Many patriarchal practices and institutional frameworks can hardly be construed as ultimately matters of distribution but rather, as matters of double standards and unequal status. Johnson's (2005) account, while focused on privilege, also describes characteristics of patriarchy that are not distributive: male-centeredness and male identification means, for instance, that "men are the primary focus of attention in most cultural spaces" (Whisnant, 2013, np.). According to Hunnicutt, in patriarchies, "gender statuses (mediated by various group-belongings), assign[...] males and females varying amounts of social value, privilege, and power" (2009, p.558). Here, social value corresponds to the dimension of recognition; privilege, similar to Johnson's (2005) definition, corresponds to unequal distribution of resources; and power corresponds to the representative dimension.

Finally, in Fraser's typology, denying equal voice in decision-making and the public discourse also violates parity of participation, establishing the dimension of representation, which is essentially a "political" injustice (in a narrow understanding of the word). This dimension also plays a prominent role in theories and analyses of patriarchy, and is in closest connection to the original, literal meaning of the term. Walby uses reference to representation to describe both the domestic and public forms of patriarchy, the first being "predominantly exclusionary[, ...] exclud[ing] women from locations of [formal] power and influence", and the latter "segregationary" and "subordinating", meaning that while women are present in the public sphere, they are typically "segregated through placement in positions of lesser influence and power" (Walby, 2011, p.105). Johnson (2005) also discusses the fact that in patriarchy, men occupy a disproportionate ratio of positions of power and authority, a character of patriarchal societies that is perhaps the least abstract and most commonly mentioned.

Fraser argues that in order to construct a full account of justice, integrating all three dimensions is necessary, and none alone is sufficient, since leaving any one dimension out would allow for violations of the parity-principle that may well occur in the kind of process that is disregarded. This essentially means that according to observations in the real world, parity can be effectively denied via misrepresentation, misrecognition, and/or maldistribution. Yet I find that there is an additional dimension that cannot be reduced to neither a matter of distribution, of recognition, or of representation: violence, the threat and risk of violence, and the fear from violence inhibiting parity of participation in interpersonal relations as well as in public space. This might be described as the dimension of *security*, with the corresponding injustice of insecurity. Adopting in/security as a dimension of in/justice could be useful not only in theorising VAW, but also, for instance, in theorising the targeting of African Americans by the US police. Walby includes violence in her list of sub-structures or institutional domains to stress its importance in organising gender relations (2011, p.104). She argues that male violence is so common that it affects the actions and behaviour of most women, and thereby has a significant influence on society and interactions in general, inhibiting (many) women's participation as equals. Furthermore, Walby considers the state's attitude towards VAW a key indicator of a patriarchal system. While I agree with Walby's assertions about the effects of male violence and of women's well-founded sense

of insecurity, I would highlight security/insecurity in this sense as a dimension of injustice rather than an institution or institutional realm.

Additionally, it is also worth noting that Fraser's principle of participatory parity is geared primarily towards the "public" sphere (as traditionally understood), towards persons' participation as citizens and denizens in social and global (2008a) public discourse, interaction and deliberation, in line with traditions in classic liberal political philosophy. It is, however, crucial to highlight the principle's importance also in the private (yet, as feminists pinpointed, political) sphere. Coming to understand in/security as a dimension of in/justice, and actual VAW as well as the general prevalent risk of VAW as resulting in relevant impediments to participatory parity for women both in the "public" and the "private" realms is an important addition to a Fraserian understanding of the wrongs of patriarchy.

Violence is rarely part of typologies of social injustice, with the exception of some theories explicitly concerned with oppression. In one of the key typologies of oppression, Iris Marion Young's (1990) "faces of oppression", it is included in a list among exploitation, marginalization, powerlessness, and cultural imperialism. The other forms may be conceptualised as either distributive (exploitation), recognition- or status-related (marginalisation and cultural imperialism), or representation (powerlessness), or a combination of these; but violence cannot be reduced to either one of these dimensions. When coercive controlling IPVAW involves economic violence as one of its elements, violence contains a distributive element, and so does workplace sexual harassment insofar as it impacts women's options in paid employment. But finding a distributive element is not so straightforward in most other forms of IPVAW, sexual violence and harmful practices.

As the previous chapter has stressed, violence, the possibility of violence, and less harsh but nonetheless threatening acts and behaviours along the continuum of violence shapes women's lives and influences the way they use and behave in public space, and the interactions they have with others (especially with men). Violence and the possibility of male violence is a constant undertone contributing to unequal bargaining-power and power-relations within households and relationships in which both sexes are present. While the distribution of labour within the household (a distributive issue) is mentioned by most theorists of gender injustice, as well as by theorists of patriarchy, the household is a main site of

patriarchy also because it is the typical site of VAW. A common theme of VAW across the world is that it is perpetrated primarily by partners and family members, and there is “a profound difference in the structure of gender oppression compared to other structures of power”, in that “not only are women required to live alongside and respect their oppressors, they are expected to love and desire them” (Kelly, 2000, p.52).

There is ample literature on the issue of violence under patriarchy in the field of masculinity studies and in theories of masculinity and male violence. Millett argues that force, and the possibility to use force is always there as an ultimate recourse to implement control by men, even if it turns out to be unnecessary in many instances, since the “system of socialization” prepares people to generally assent to patriarchal values, and consider men’s dominance natural (2005, p.47). She also asserts that sexual violence (and its threat) is a form of violence on which patriarchal domination heavily relies (Millett, 2005). Kelly (2000) agrees: Sexual violence — in all contexts, as a deliberate strategy in war and political repression by the state, as well as in “private” contexts — is “one of the most extreme and effective forms of patriarchal control, which simultaneously damages and constrains women’s lives and prompts individual and collective resistance among women” (Kelly, 2000, p.45).

Violence as a dimension of injustice also holds up under Fraser’s theory when tested against its core principles. Fraser’s principle of participatory parity relies on two universalist values: the equal moral worth of all persons, and the premise that everyone is equally entitled to participation (Fraser, 1996, p. 32). This is compatible with the approach set forth by Mills (1997; 2010; Pateman and Mills 2007), which I endorsed in the previous chapter and earlier in this chapter. His approach also identifies the failure to assign equal moral worth to persons and the prevalence of vast power imbalances (or “domination”) that are the exact opposite of participatory parity, as core defining features of real world injustice. VAW, its roots and its prevalence point to the failure to consider women as persons of equal moral worth or of full standing as humans (MacKinnon, 2006a), and the result of VAW is that women cannot participate on an equal footing with men in interpersonal relationships and in public spaces. Gender injustice is also prevalent along other dimensions outlined by Fraser, such as the dimension of mis/recognition. For instance, the patriarchal ideology of sexual *objectification* in

practice also translates into depicting women as sexual *objects*, which by definition means that women's equal moral worth is questioned, that they are perceived of as objects rather than persons.

I did not intend to defend Fraser's theory as a whole, but used it as a tool to understand patriarchy better, and to classify the kinds of injustices of concern in theories of patriarchy. As we will see in chapters 6-7, most of the global justice discourse is focused on distributive justice, and is phrased in the terms of what Fraser would call the distributive dimension (though the use of power and coercion is key to defining global injustice in Pogge's theory). These, upcoming chapters will also discuss the feminist criticism of the distributive focus of justice theories. The final chapters will attempt to import feminist concerns regarding patriarchal structures, gender, and violence arising from this and the preceding chapters, into the global justice discourse.

5.7 Conclusion

In this chapter, I intended to draw together different theories and discourses on patriarchy and injustice, to show that feminist analyses of patriarchy converge in that they identify institutions comprising patriarchal systems in conceptually similar ways, and in ways comparable to theories of justice identifying elements of "basic structures" or "institutional orders". My aim was also to show that based on theories of patriarchy, there are various frameworks of conceptualisation we ought to be aware of when theorising gender injustice and particularly VAW as a matter of (global) injustice.

One, we ought to recognise that gender injustice is a structural injustice, and its outcomes (such as VAW) stem from institutional settings, and we ought to think about what institutions, institutional patterns and practices constitute the patriarchal basic structure.

Two, we ought to be aware that as a pervasive injustice, patriarchy plays out in a mutually reinforcing way on various societal levels from micro to macro—from the individual level, through the community level (or the level of associations of different sizes and types), the state or national level, and the transnational, international and global level. I also clarified that patriarchy is not reducible to a series of dyadic relationships, to interpersonal oppressor-oppressed relations or

exchanges. Acknowledging the various levels is especially important in the project of identifying the various types of agents bearing various types of responsibility, as subsequent chapters will show.

Three, we ought to be conscious of variations of patriarchy and of how structural gender injustice intersects with other structural inequalities, especially racial and economic inequality. Yet, we need not abandon the project of theorising patriarchy and gender injustice because it has various types according to the relative importance of different institutional elements and processes, or because it intersects with other structural injustices. I argued that while multiple structures of injustice ought to be recognised, it is important and possible to talk about the structure of gender injustice (patriarchy) specifically as well. I posited that it might be more useful to think about patriarchy in gradations or along a continuum on the basis of which institutional sub-structures and processes are more pronounced in particular patriarchies, rather than establishing neatly separated categories such as Walby's domestic vs. public patriarchy.

Four, we ought to recognise the mutually reinforcing nature of patriarchal ideologies and the material realities of patriarchy. And finally, five, we ought to consider various dimensions of injustice under patriarchy, various key ways in which injustice plays out, all of which impede participatory parity in both "public" and "private" politics and are demonstrative of not considering women as of equal moral worth. A solely distributive focus, typical of global justice theory, cannot capture the range of unjust outcomes present in patriarchal orders.

I also clarified what I find to be the best ways to understand the role of some basic recurring concepts and descriptors (gender, patriarchy and violence) in the analysis of the globally prevalent structures or "order" resulting in VAW. Based on Mills and feminist analyses, I argued that *gender* itself might be thought of as an institution both socially and globally, though I proposed that singling it out as such should not come at the price of recognising that the institutions making up patriarchal structures and the patriarchal global order are all *gendered*. That is, insofar as gender is an institution, it is an institution that influences and is intermingled with virtually all other institutions. I also argued that while we might not be able to assert that a singular global patriarchy exists, institutions in the global order can be called *patriarchal*, and insofar as there exists "a" global basic structure, this can also be called patriarchal. To support this, I mentioned examples of

patriarchal assumptions, practices, and patriarchy-strengthening outcomes in transnational processes and institutions. Finally, I argued that we should think about violence not as an institution, as Walby suggests, but as an additional dimension of in/justice in a Fraserian sense, captured as in/security.

Subsequent chapters will pick up on several points in the discussions included in this chapter. Most importantly, they will further unpack the issue of power under patriarchy and power in patriarchal institutions, and the identification of power-holders and those responsible in VAW as the outcome of structural injustice. Chapter 6 will also discuss the tension between the distributive focus of global justice theory and the multi-focal understanding of injustice emerging from feminist theories on patriarchy.

6. Thomas Pogge's and Iris Marion Young's frameworks and gender-based VAW

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6.1 Introduction

This and the subsequent chapter conceptualises VAW as a matter of global justice using and developing Thomas Pogge's (2001a; 2001b; 2004; 2005; 2007; 2008; 2010a; 2010b) theory on global justice and Iris Marion Young's theory on structural injustice and political responsibility (2003; 2004; 2006b; 2011). Both Pogge's and Young's theories were originally devised to address injustices of an economic nature. Pogge aims to address international processes related to extreme global poverty, while Young is concerned with the combination of social and individual processes and factors resulting in poverty and related vulnerable life situations. Building on earlier chapters, the discussion of Pogge's and Young's theories in this and the next chapter includes an interpretation of VAW and its causes with the help of these authors' concepts and conceptual frameworks, testing the applicability of each theory to the particularities of VAW, its roots and the agents and institutions implied. The central questions guiding the discussion are whether VAW constitutes an injustice of the kind that Pogge's account conceptualises (can VAW be construed as an institutional underfulfilment of human rights), and whether VAW constitutes an injustice of the kind that Young analyses (is VAW the result of structural injustice as Young defines it). I will argue that while neither Young's nor Pogge's theory is equipped to fully capture the global injustice that VAW represents, elements of their theories can be drawn upon to analyse and explain the role of different agents in perpetuating VAW as a global phenomenon. My aim is to construct a theory that addresses VAW as a matter of global justice, building on Pogge and Young.

The next two sections give an overview of Pogge's and Young's theories as a foundation to the subsequent discussion. Section 4 refreshes Charles Mills's arguments introduced in chapter 4.4 and presents the criticism Mills has levelled against Pogge's theory in particular. Based on Mills and on feminist arguments introduced in the previous two chapters, this section also identifies a few particular flaws often present in theories of justice that one ought to be aware of in order to construct theories relevant to the real world. Section 5 recaps the complexities of VAW as the outcome of wider structural-institutional flaws and the actions of various kinds of agents, reflecting on what these might mean in the process of conceptualising VAW within the global justice discourse.

Section 6 discusses VAW within Pogge's and Young's frameworks, showing whether and how the authors themselves reflect on VAW and gender within their work. It shows that that neither author addresses the issues of gender and VAW satisfactorily. This point is further elaborated in the next chapter, arguing neither theory is fully equipped to do so, and providing suggestions as to how we can develop a theory building on Pogge and Young that may be more fit to this purpose. The final section of this chapter summarises the findings and lays out the main issues that need to be tackled in the next chapter, which presents a framework to identify duties and responsibilities corresponding to different types of agents in the (re)production of VAW and its root-cause, gender.

6.2. Pogge's main idea

The key argument in Thomas Pogge's approach to global justice is that, since the current global order is harming people and produces poverty and suffering (or is at least a significant cause in bringing about poverty and suffering), eradicating global poverty is not a matter of positive (humanitarian) duties to assist those in need, but of negative duties not to harm. Wealthy people(s) are not external parties,

bystanders passing by a pond⁶¹ in which people are drowning, but are causally implicated in the plight of those people. Pogge does not deny that there might also be positive duties to assist those in need, but he argues that a negative duty approach in the pressing issue of global poverty is more true to the reality of how this suffering comes about, and more promising with regards to its eradication. Pogge aims to provide a stronger and more appealing conception of duties in the global justice discourse that libertarians, who reject the imposition of positive duties, or at least find them weaker than negative duties, can hardly object to.

The current state of global economic inequality, according to Pogge (Pogge, 2001a; 2005; 2007; 2008; 2010a; 2010b), is best described in the following way: wealthy states are harming the global poor by imposing institutions resulting in deprivation and suffering, and wealthy states' individual citizens are harming the global poor by endorsing or participating in such institutions. These institutions therefore bring about (or at least contribute to) the underfulfilment of the global poor's socio-economic human rights.⁶² Insofar as the institutions that make up the global basic structure result in the underfulfilment of human rights, this structure is to be considered unjust.⁶³ As I aimed to show in preceding chapters, global VAW, which might be interpreted as the mass underfulfilment of women's human right to security, results from structural-institutional settings that thus can be considered unjust. I will further develop this Poggean reading of global VAW in this and the next chapter.

Pogge claims that “[a]n institutional order harms people when its design can be shown to be unjust by reference to a feasible alternative design [that would not harm people]”, and “an institutional design is unjust if it foreseeably produces massive

⁶¹ The case of the pond is a thought experiment used in the discourse regarding the duty to assist those in need. Singer (1971; 2009) argues that if we hold that we ought to save a drowning stranger we see in a pond, even if it costs us by ruining our new and expensive clothing, we also ought to sacrifice excess wealth to save the lives of those in extreme poverty. Pogge's approach asserts that those with excess wealth do not simply happen upon people in need as in the pond example, but produce the conditions resulting in the suffering and endangerment of those in extreme poverty (wealthy states create the pond/push the drowning into the pond in the first place, so to speak). See also chapter 3.2 (the upstream approach).

⁶² The caveats in parentheses are owing to the fact that Pogge is shifting in how he formulates his analysis in different writings. In response to criticism, he tends to adjust his account to more nuanced categories of actions.

⁶³ It is to be noted, however, that institutions designed in such a way that human rights do not remain unfulfilled is only a minimal necessary requirement, not a sufficient requirement, for a just “basic structure” or “institutional order”. Where the institutional regime is constructed in a similar, harmful fashion as it currently is, according to Pogge's analysis, the order is surely unjust, but where it is not, it does not mean that we can automatically call it just.

avoidable human rights deficits” (Pogge, 2008 p.25). Pogge defines the global institutional order on the basis of Rawls’s concept of the basic structure (see chapter 5.2), and considers international legal frameworks, monetary institutions, and economic practices, transactions, rules of trade as elements constituting part of this order.

Pogge believes that the most suitable “core criterion of basic justice” can be formulated through the language of human rights, and within that, a particular formulation of human rights. He positions his conception of human rights in contrast to the way human rights are commonly understood, which consists in “conceiv[ing] a human right to X as a kind of meta-right: a moral right to an effective legal right to X” (Pogge, 2008, p.51). On this, common understanding, having a human right means to have a right to laws that protect that right, and having those laws enforced in one’s state. Claims arise exclusively, or at least primarily, towards the state so that it establishes and enforces such laws.

Pogge dismisses the “moral right to a legal right” conception in part because a legal right in itself is neither a sufficient, nor a necessary condition to effective access to a given human right. We know of states where particular human rights are codified, yet access to the object of those rights is not secured, and we can imagine states in which the human right to X is not codified, yet access to the object of that right is secured. Pogge notes that laws articulating a particular human right, of course, *may* be useful for securing access to the object of that right, and insofar as they are, they should certainly be used within the overall design.

Compatible with the common understanding of human rights is what Pogge calls the “interactional” account (contrasted with his “institutional” conception). In an interactional sense, which finds its roots in the natural rights tradition, and does not presuppose the existence of social institutions, having a human right means that others, – official and unofficial, individual actors alike – have a general negative duty not to (directly, actively) violate that right. Under this conception, for instance, the human right against torture means that each person has a negative duty towards all other persons to not torture them; all persons have a claim on all others not to be tortured by them; and a person’s human right not to be tortured is violated when any other person commits torture against her/him. Under an interactional conception, VAW might be considered an instance of the perpetrator violating the victim’s human rights. In contrast, while Pogge recognises that interpersonal harms

of the sort usually considered a human rights violation are morally wrong, he proposes that human rights should be understood institutionally, with the focus on their underfulfilment rather than their violation. This formulation makes socio-economic human rights, which are harder to construe as a violation in the same way as interpersonal violence is, easier to conceptualise as human rights.

In Pogge's "institutional" conception of human rights, what counts is the "institutional design", and whether it "foreseeably produces an avoidable human rights deficit" (Pogge, 2008 p.25). On this conception, "a human right to X entails the demand that, [...]"⁶⁴ coercive social institutions be so designed that all human beings affected by them have secure access to X". Consequently, "[a] human right is a moral claim *on* any coercive social institutions imposed upon oneself and therefore a moral claim *against* anyone involved in their design or imposition" (Pogge, 2008 p.52). Unlike the above conceptions (the common or the interactional), claims in this account are on institutions that significantly affect people's lives, and against anyone involved in imposing those institutions. This is a more demanding conception, with a broader set of responsible actors than only one's government or state (responsible under the common conception to make laws on the objects of human rights), or only one's fellow citizens, or potential directly-violating agents and individuals (responsible under the interactional conception not to violate others' human rights). Pogge's conception makes human rights everyone's business who is involved in unjust institutions, even if they are not directly involved in harming another person, and including not only the lawmakers, but also the citizens of powerful states.

In Pogge's institutional conception, then, "human rights are primarily addressed not to a government and its agents, but to the institutional structure of a society (or other comprehensive social system)" (Pogge, 2008 p.53), and are to guide how that structure is to be designed. That is, the structures shall be designed so that effective access to human rights is secured. Structures that fall short of this "minimal" demand are to be considered unjust.

Pogge identifies not only wealthy and influential states, but also the individual citizens of those states as relevant actors implicated in upholding an

⁶⁴ The first caveat embedded here is "insofar as it is reasonably possible"; but it is a matter of debate what counts as "reasonably possible". I will return to the issue of demandingness and feasible avoidability of gendered harms in both this and the next chapter.

unjust institutional order. It is the order itself and its institutions that are unjust, and Pogge argues that those “participating in its creation or imposition harm those whose human rights avoidably remain unfulfilled” through the workings of these institutions (Pogge, 2008, p.25).

This means that the right course of action is (1) institutional reform in a way that institutions cease to be harmful to the global poor and cease to re-generate global poverty, and (2) introducing compensatory measures to remedy the harms of the unjust institutional order so long as these reforms are not achieved. The (re)distribution of resources is not the ultimate course of action and is not an act of beneficence or aid for humanitarian reasons, but a moral requirement as compensation for wrongs until such time that those wrongs are no longer perpetrated through the imposition of unjust institutions. It is reforms in the global institutional order in a way that this stops producing the underfulfilment of human rights that constitute the ultimate requirement of a minimally just world.

Since Pogge’s proposals include action in the form of reform and compensations, he is widely criticised for framing them as a matter of negative duty, which is the duty of refraining from actions that are harmful to others, as opposed to positive duties, which are duties to perform actions to the benefit of others (Cruft, 2005; Pogge, 2005; Mieth, 2008; Daskal, 2013)⁶⁵. Negative duties are generally perceived as carrying more moral weight and are accepted as enforceable and stringent duties also by libertarians, whereas positive duties are harder to defend as they may curb liberties in ways that are harder to justify. Meanwhile, there is also much debate over whether negative duties truly carry more moral weight, over whether the distinction between the two types of duty is “overrated” (Lichtenberg, 2010, p.561) and whether we can neatly assign only one or the other as corresponding to particular rights (Shue, 1996).

According to Pogge’s framework, since the current order is harmful, and those imposing and upholding it cause harm, refraining from causing harm would necessitate action in the form of reforming institutions and/or establishing new ones; the functioning of these reformed institutions; and meanwhile compensating

⁶⁵ Pogge’s proposals, though he insists that the reforms and compensations he urges are moderate or at least reasonable (2010b), necessitate action that many may find excessive (Lichtenberg, 2010) or too demanding to be construed as negative duties (Mieth, 2008), or misconstrued as only negative duties whereas they include both positive and negative duties (Daskal, 2013). The related problem of *demandingness* is discussed in the next chapter and in 8.2.

for harms caused – since if all is left unchanged, the harming will *actively* continue. It seems that from a Poggean perspective, there is no “idle”, action-less option: the global economic order and its institutions will not stop functioning and affecting the world, constituting harmful action, and reforming institutions within the global order and establishing new ones conducive to better outcomes so as to avoid this *also* constitutes action. Therefore, the courses to take are active either way; which is the same argument feminists make when criticising the *status quo* and asserting that feminist demands of reform do not constitute new intrusions into hitherto free, neutral and apolitical areas of life, but seek to rectify actively maintained injustice in already political and institutionally influenced areas (see chapters 4-5). It is not the case that if the agents implied do not alter anything compared to what they do now, they are idle and do no harm in the same way as fulfilling the general negative duty not to kill others consists in merely going on about one’s business as usual while refraining from killing others. Taking into account what we know about the structural primary causation of VAW through upholding gender regimes, Pogge’s conception of institutional human rights and the violation of negative duties by upholding and participating in such regimes may prove useful.

As we will see in later on in this chapter, Young makes a similar point in framing her social connection model of responsibility in structural injustice. In the case of unjust outcomes such as poverty and housing insecurity, Young points to the lack of morally acceptable normal background conditions, which means that harm does not come about in the context of a neutral situation by someone who deviates from that with a particular harmful action. In contrast to Pogge, however, she holds that this means we cannot hold agents liable.

6.3. *Young’s main idea*

Young (2003; 2004; 2006b; 2011) contrasts her concept of structural injustice and model of social connection with what she calls liability accounts. Liability approaches, working with a concept akin to the legal concept, allocate moral responsibility for unjust outcomes by aiming to find a blameworthy agent and prove their culpability in causing a particular wrong. Such accounts identify an individual or collective agent (such as a company or other formally organised collective) to hold accountable for harms. Young considers Pogge’s approach as one leaning

towards a liability model, since it singles out causally responsible agents and assigns blame (Young, 2011, p.99). Young argues that in the kinds of social ills she is concerned with (and indeed, in most social ills that impact a large number of people), we cannot establish liability and blameworthiness of any specific, identifiable agent. Since the liability model that assigns duties and speaks of agents who fail to discharge their duties does not work in these cases, Young claims that there is instead a *collective responsibility* to work for better structural features, which is shared by everybody participating in the structure that results in unjust outcomes — everybody creating that structure by their cumulative actions.

Young devised a hypothetical scenario, the case of “Sandy” (Young, 2011, pp.45-47) to illustrate her point. Sandy is a single, working mother of two, who faces the risk of homelessness as a result of various factors, ranging from her own decisions and preferences (all of which are informed by social factors and some of which are due to strong social influences) to several unrelated actions by individual actors. Sandy’s landlord terminates her lease because of a condo conversion. She works in an area where she cannot afford rent, and apartments that she could afford in the city are either very far from her work or in neighbourhoods in which she would not feel her children are safe. Since public transportation options from the cheaper parts of town take a long time and are difficult, she finds that she needs to buy a car, detracting from some of the money that she could spend on rent. She settles for a cheap apartment which is small and not well-equipped. However, it turns out that she has to deposit three months of rent, which she can no longer afford because of the down payment for the car. Hence, she faces homelessness. Young argues that Sandy’s situation is not merely unlucky or unfortunate, but unjust, and her predicament of housing insecurity is shared by many others for whom factors accumulated in a similar way.

Young controls for various types of factors in this scenario in order to make it useful for illustrating several points. Overall, the example serves to illustrate that there is something wrong when someone like Sandy faces homelessness. Since no particular agent whose decisions and actions affect Sandy – including Sandy – is individually directly responsible (liable) for this outcome, we have to look for a different explanation to show what goes wrong, one that addresses the cumulative effects of actions by various agents and ultimately, the wider social and political structure. Young also wants to illustrate that people in poverty or in precarious

situations do make decisions they themselves are responsible for, but these decisions in themselves would not be enough to produce such a grave outcome. Furthermore, the preferences and intentions influencing their decisions and actions are also affected by social structures and norms (for instance regarding the neighbourhoods that count as “safe” based on racial and socio-economic factors, and Sandy’s perceptions of which ones count as safe based on these factors) (Young, 2011, p.62). Most importantly, the example also serves to illustrate the impact that others’ decisions and actions – such as those of her previous landlord and other landlords that set prices someone like Sandy cannot afford – might add up to an unjust outcome even though they are reasonable, and not malicious nor coordinated. Young asserts that we also cannot blame Sandy’s situation on any one particular policy; rather, it indicates wider, structural issues with the ways social processes and practices, such as the housing and job markets work, maintained by the actions of millions of people.

What Young understands as structure extends beyond Rawls’s concept of the basic structure as well as Pogge’s definition. The structure that constitutes the background conditions of unjust outcomes is made up of not only official and economic institutional apparatus, processes and practices, but what most would call “social” institutions, processes and practices as well, which are ultimately the accumulated actions of a mass of individuals. According to Young, Rawls and those who devise their theories on the basis of Rawls’s are “looking for a *part* of the society, a small subset of its institutions, that is more fundamental than other parts”, while “the structural processes that tend to produce injustice for many people do not necessarily refer to a small set of institutions, and they do not exclude everyday habits and chosen actions” (Young, 2011, p.70). In contrast to Pogge, who bases his account on Rawls, Young recognises the impact of social institutions and processes, which is crucial for understanding the gendered nature of both social and global injustice, and understanding gender injustice itself. Young (2006a) also expresses direct criticism of a restrictive conception of the basic structure that, for instance, does not take into account the processes, including gendered perceptions of the value of labour, that determine the value and compensation assigned to different jobs. Young posits that Rawls and Rawlsians are concerned with access to opportunities while taking the value attached to those opportunities as a given, which they ought not do if they “take the basic structure seriously” (2006a, p.91).

Social structures, according to Young, include “patterns in relations among people and the positions they occupy relative to one another” and examining them involves looking at “how the actions of masses of people within a large number of institutions converge in their effects to produce such patterns and positioning” (Young, 2011, p.70-71). Hence, ultimately, social structure consists of the “accumulated outcomes of the actions of the masses of individuals enacting their own projects, often uncoordinated with many others” (Young, 2011, p.62). Correspondingly, in her theory of structural injustice, Young is concerned with the unjust but unintended outcomes “of the actions of millions of differently positioned individuals [...] all usually acting on normal and accepted rules and drawing on the resources normally available to people in those positions” (Young, 2011, p.64).

Since in structural injustice particular individuals do not play a large enough causal role and “[no] particular agent [Sandy] encounters has done her a specific wrong” (Young, 2011, p.47), Young argues that we cannot establish liability and a corresponding duty. However, according to Young, we can establish that individuals have a *responsibility* to work to change the processes, practices and institutions so that these become (more) just and do not produce unjust outcomes. The individual agents who each act in some way that contributed to Sandy’s situation are not blameworthy for their actions that, in themselves, would not have put Sandy in the situation in which she finds herself; and the citizenry of Sandy’s state, or the billions with whom they share in an international social structure are also not culpable for participating in a society in which the structural injustice of housing insecurity exists. However, all of them have a responsibility – a collective responsibility – to work towards a more just state of affairs for people like Sandy.

This collective responsibility is political in nature. Young, drawing on Arendt (1963; 1987; 1994), means by this that the actions through which the responsibility is discharged “must be *public*, and aimed at the possibility or goal of *collective action* to respond and intervene” (Young, 2011, p.89). More specifically, political responsibility demands “public communicative engagement with others for the sake of organising our relationships and coordinating our actions most justly” and “organis[ing] collective action to reform the structures” (Young, 2011, p.112). This starts with “exhorting others to join [us] in collective action” (Young, 2011, p.93), “trying to persuade [them] that [a particular] threat to well-being is a matter of injustice rather than misfortune and that we participate together in the

processes that cause it”, and then “enjoin[ing] one another to work on our collective relationships and try to transform the necessary practices” (Young 2011, p.112).

In contrast to Pogge, who has very specific policy proposals in order to discharge the duties he speaks of⁶⁶, Young does not specify a particular action to discharge collective responsibility, only that exercising that responsibility take the form of public engagement and collective action. In fact, part of her argument is that in the case of duties understood within a liability model, there are specific actions that particular responsible (and liable) agent(s) ought to avoid or pursue, while in the case of responsibility for structural justice, where no direct liability can be established, it is up to the agents to determine the ways to discharge their responsibility. This point, while it secures Young’s account against some objections levelled against approaches like Pogge’s that assign duties in the case of structurally reproduced wrongs, at the same time opens it up to others (see chapter 7.2). Namely, Young’s account does not invoke the critical discourse regarding demandingness and regarding the possibility of isolating liability and the particular duties of partially-responsible agents in causally complex wrongs, nor the debate over whether the duties implied are negative or positive (or positive derived from negative), stringent or not, perfect or imperfect, as Pogge’s and similar accounts do (Lichtenberg, 2010; Woods, 2010, p.66). On the other hand, Young’s “responsibilities” are vulnerable to criticism regarding accountability (see chapter 7.2).

Young posits that in structural injustices, when no particular agent can be blamed, an emphasis on the state’s responsibility wrongly eclipses the responsibility of the individuals whose actions – while not one of them is individually blameworthy – cumulatively constitute all the wider social and political processes, practices and institutions, and on whom the “government’s ability to rectify structural injustice” (Nussbaum, 2011, p.xix) ultimately depend. While states and international institutions should not be singled out, exercising

⁶⁶ For lack of space, I can not discuss Pogge’s specific proposals, but it might be useful to give some clarification here, in order to illustrate the contrast between Pogge’s and Young’s theories. Pogge (2008) identifies three key features that characterise the global institutional order: resource- and borrowing-*privileges* that afford the right to decide about national resources and debt to governments regardless of how they gained power and whether they are corrupt; *protectionism*; and the ways that intellectual patent laws in *pharmaceutical* innovation affect the trade of and access to drugs. He then devises tangible suggestions for eliminating or reforming each of these features in order to make the global institutional order (more) just, and articulates particular agents these tasks befall.

political responsibility does involve:

making demands on state and international institutions to develop policies that limit the ability of powerful and privileged actors to do what they want without much regard to its cumulative effect on others, and to promote the well-being of less powerful and privileged actors. (Young, 2011, p.151)

Young also asserts that a special emphasis on state responsibility is also problematic in addressing “transborder structural social processes” (Young, 2011, p.168) that contribute to structural injustices in various states and regions – to which criticism I will also return in the next chapter. Internationally, Young thinks about the structure in terms closer to Charles Beitz’s (1975, 1979) theory of an international society⁶⁷ than to Pogge’s (2008) global institutional order or Buchanan’s (2004) global basic structure, for the same reasons that she believes Rawls and his school are mistaken in limiting the definition of the basic structure on a national level. Young also asserts that in the global context, there are many more structural connections than those that official legal, institutional and economic processes and practices can capture. She argues that in order to “understand how [both global and national] injustice is produced and reproduced” we must look not only to “[l]egal and regulatory institutions”, but also to other influential structural elements such as the “rules and practices of business, communications media, and the leisure and consumption tastes of ordinary people” (2011, pp.139-142). Young’s (2004; 2011) main example of structural injustice on an international level is sweatshop labour and the consumption of products manufactured by underpaid workers in poor working conditions: here, she posits, we can see the influence of all these structural elements and social factors.

As mentioned above, Young distinguishes her account of collective responsibility from “liability accounts” that identify particular duty-bearers, duties, and specific ways in which those duties might be discharged. Meanwhile, she highlights that even though the way to exercise responsibility should be chosen by the members of the collective according to their own deliberation on how to

⁶⁷ Beitz (1975, 1979) rejects the understanding of international affairs that considers states basic units in a similar way as families or individuals are considered basic units of society on a national level. Rather, he holds that we should consider individuals basic units in global distributive justice, unless we want to disregard striking differences between individuals within states, and unless we want to posit the untenable and empirically flawed claim that states are self-sufficient, denying the global web of institutions, economic, social and political relations and processes. He also takes issue with state autonomy when this results in the suffering of citizens.

advance the collective cause of making structures (more) just, individuals have varying degrees and kinds of responsibility within the collective owing to different factors regarding the position they occupy within the collective (Young, 2011, p.144). The factors in members' social positions that Young identifies as those influencing the degree to which one ought to take responsibility, and the kind of responsibility within the collective, are *power*, *privilege*, *interest* and *collective ability* (Young, 2011, p.144-147). Differentiating between individuals according to their various positions and roles within unjust structures seems essential in the project of identifying individual agents' responsibility in VAW-producing gender injustice, and Young's categorisation may provide a useful stepping-stone for this task.

Those in *positions of power* in relation to a matter of structural injustice, by virtue of having more potential to influence those structural processes, should take part with more emphasis in the eradication of that injustice. Young's examples are large multinational designers and retailers such as Nike (2011, p.144). This also means that one should focus on discharging responsibility in those structural injustices in which one has more potential to influence and affect change. In the context of VAW-producing structural processes, those in positions of power are individuals with high political and monetary influence nationally and internationally, who are typically men, and who arguably have even more responsibility because they are powerful *men*. While powerful individuals' responsibility should be especially scrutinised, in the next chapter, I argue that states and institutions with a power to impose should be perceived as agents themselves (that is, not only as tools in the hands of collectives to discharge individuals' collective responsibilities), and that they have not only responsibility, but duties, informed by a Poggean approach.

According to Young, those who are *beneficiaries* of a structural injustice, even if they are not particularly powerful but are relatively privileged compared to others owing to the same injustice "have greater responsibilities than others to take actions to undermine [that] injustice" (2011, p.145). One example for this are middle-class Western individuals who benefit from the variety and affordability of products that come from unjust production processes which negatively affect those who make those products. The reason for their greater share of responsibility is not only that they benefit from injustice, but also that they have the option to "change

their habits or make extra efforts without suffering serious deprivation” (2011, p.145) unlike, for instance, poorer individuals who cannot afford more expensive, ethically produced goods. If we viewed VAW as an outcome of structural injustice, men would fall into this category; even economically underprivileged men, who could “afford” not to exercise sexist and misogynist actions and habits.

According to Young, *having an interest* in ameliorating the structural injustice at hand also means more responsibility. She asserts that those who are victims of injustices *also* participate in unjust processes that are detrimental to them, and highlights as one of the benefits of a responsibility rather than a liability model that we can acknowledge this without blaming the victims of injustice for their own suffering. In Young’s example, sweatshop workers accept sub-par conditions and pay (2011, p.146). Young argues that those directly affected by a particular structural injustice are the ones who know most about their predicament, hence they are responsible for exposing the injustice. In many cases, their insider experiential knowledge is necessary for finding the suitable response to ameliorate the injustice affecting them. In addition, she asserts, it is also a welcome approach to “align one’s own interests with those agents that suffer injustice”, such as retailers that market their products as ethical and high quality goods “made under fair conditions” (Young, 2011, p.146). With a view on VAW-producing gender regimes, persons falling into the affected category would be women. I examine the nature of women’s participation and the problem of responsibility on the part of those affected by injustice in chapter 7.6.

Finally, Young identifies *collective ability* as a factor enhancing actors’ responsibility. This means that those groups that already have an infrastructure for collective action, and the members of such groups, should use this to affect change. They ought to “draw on the resources of already organised entities and use them in new ways for trying to promote change” (Young, 2011, p.147). Young’s paradigmatic example for discharging political responsibility against structural injustice in a way that uses collective ability is that of university student groups in anti-sweatshop activism, who targeted their own campuses and made use of their embeddedness in an existing organisational structure to draw attention to the injustice and to influence not only individuals, but also facilities in their collective reach (e.g. campus shops) (Young, 2011, p.147). Given the pervasiveness of gender and the norms and practices giving rise to VAW, those with heightened

responsibility owing to collective ability in a Youngian analysis of the unjust structures resulting in VAW would be any kind of collective agent, be it formal or informal, such as church groups, professional groups (e.g. bar associations, unions) or indeed, student groups.

6.4. Charles Mills's "radical" criticism

In chapter 4.4 I have introduced and endorsed Charles Mills's (1997; 2010; Pateman and Mills 2007) view that along with race, gender itself is embedded in unjust real-world basic structures, and that the racialisation and what we might call the "genderisation" or "gendering" of people is inherently hierarchical. In this section, my aim is to reflect on Mills's points with a particular view on Pogge's and Young's theories, and to provide a deeper understanding of Mills's criticism of mainstream trends in political philosophy. From this discussion, I hope to gain insights on how we might construct a theory addressing VAW as a matter of global justice in a way that draws on Young and Pogge, but also incorporates Mills's and likeminded feminists' crucial contributions. The particular points I discuss are ones that Mills raised specifically in response to Pogge's theory, but I will also use them to draw out strengths and weaknesses in Young's approach, that are crucial for the argument I will develop more fully in the next chapter.

Generally speaking, Mills (2010) finds that Pogge is right to focus on the non-ideal, real world circumstances that characterise the globalised world today, and in advocating an approach to global justice that starts out from an analysis of the current state of affairs. He also welcomes Pogge's recognition of historical injustice in the form of colonialism, resulting in a radically unequal status quo. However, Mills argues, Pogge in fact still presupposes ideal conditions in some sense, by not reflecting on the racial and gender dimensions of the global order, while racial and gender injustice are far from dismantled. Mills holds that owing to the historical, moral, and causal significance of race and gender in real world injustices, rectificatory measures for injustices on these grounds are prerequisites to working towards justice. Without first rectifying these injustices and establishing a situation in which race and gender are no longer influential, there is not much point in (ideal) theorising that attaches no relevance to race and gender, let alone a chance to realise any ideal. According to Mills, ideal theory is "concerned with the

demands of justice in a ‘perfectly just society’”, while non-ideal theory is “concerned with the remedying of injustice (the demands of justice in an *unjust* society)” (Mills, 2010, p.152) and should *prioritise* compensatory, rectificatory justice as a transitional normative project, which precedes any ideal (Mills 2010, p.155; Mills 2004). While I agree with Mills in that gender and race are deeply entrenched in both global and social structures, and that this constitutes injustice, I would not necessarily stress that their amelioration is exactly a *prerequisite* of pursuing ideals. Precisely because gender and race are so deeply woven into the web of intuitions, processes and practices constituting structures overall, I find that their amelioration cannot be an isolated project that we may address “first” no more than we can address them “later” in the project of pursuing justice. It seems to me that ameliorating gender and race and the way they inform structural arrangements is an absolutely indispensable, *necessary* requirement of pursuing justice, and that no analysis or proposal has any promise without incorporating the recognition of and tangible recommendations to address the gendered and racialised nature of injustice in the real world. I consider Mills’s arguments equally valid to support this, slightly different claim; and his criticism of Pogge’s negligence (or at least ignorance) of the crucial role of race and gender and the fundamentally gendered and racialised nature of global injustice also still holds.

Young’s account is somewhat less vulnerable to the above criticism. Considering factors such as gendered processes in the job market (Young, 2011, p.59) and Sandy’s single motherhood (Young, 2011, p.71, p.106), and the racialised implications of choosing a neighbourhood to live in (Young, 2011, p.62), Young reflects more deeply on gendered and racial aspects in the analysis of structural injustice on the social level, and she also highlights gendered (though not the racial) aspects in her paradigmatic example of global structural injustice, sweatshop labour (Young, 2004, p.366). Yet, as I hope to show in this section, Young’s account still does not assign sufficient significance to race and gender.

Much of Mills’s criticism is focused on the meta-theoretical level, criticising the practices of the liberal Western school of thought, and the meta-injustice perpetrated by its ignorance and lack of self-reflection (Mills, 2004; 2007; 2010). This is apparent in constructing the “rest” (of the “West and the rest”) as “traditionally” backwards, underdeveloped and in need of help in contrast to the virtuous and developed West. Mills rightly claims that the same rhetoric was used

to establish the historical injustice of white supremacy in the first place, placing white people in positions of wealth and power and oppressing colonised non-white people, putting them in the very positions of need global justice theorists are now concerned with. Mills argues that the “impartiality” claimed by the Western liberal theoretical tradition in fact establishes whiteness and male dominance as the norm. He finds that this tradition’s assumptions of equally predisposed participants in a supposed system of “cooperation for mutual advantage” (as in Rawls’s definition of the basic structure) stand in stark contrast with the reality of race and gender relations and the basic structure of which they form part – characterised by exploitation rather than cooperation, and exclusion and domination rather than consensual participation on an equal footing (Mills, 2010, p.171).⁶⁸ Note that this resonates well with Fraser’s conceptualisation of injustice as impeding participatory parity. While the power relations between rich(er) states in the global North and poor(er) states in the global South are focal in Pogge’s analysis, and he mentions the historical background of these relations, he fails to reflect on how race informs the exploitative and coercive arrangements he takes issue with, and he practically disregards the transverse issue of gender. Young is less vulnerable to this criticism, given that she recognises that:

The matters of social justice [...] concern whether the background conditions of people’s actions are fair, whether it is fair that *whole categories of persons* have vastly wider options and opportunities than others, how among the opportunities that some people have is the ability, through the way institutions operate, to dominate or exploit others, or benefit from their domination and exploitation. (Young, 2011, p.38, ea.)

However, Young also supposes and focuses on largely non-malicious, only unconsciously and cumulatively harmful actions by individuals who are simply “enacting their own projects”. This does not resonate with the reality Mills is aiming to capture, and is less apt to describe the kinds of actions that accumulate in racial and gender injustice – in which many acts are not in pursuit of one’s “projects” (not necessary for the agent in order to realise his/her individual projects) or are in pursuit of illegitimate “projects” (that involve exploitation, exclusion or

⁶⁸ Mills’s criticism is along the same lines as Pateman’s, introduced in the previous chapter. In fact, Mills book *The Racial Contract* (1997) applies the same criticism as Pateman’s *Sexual Contract* (1988) to contractarian theory from a racial perspective, arguing that the most basic assumptions of contract-theory are flawed, exclusionary, and are both exemplary of and conducive to racial injustice. See also Mills’s and Pateman’s coauthored book, *Contract and Domination* (2007).

domination). Mills's emphasis on the *historical* nature of gender and racial injustices, and his suggestion of addressing the correction of injustice in terms of "rectification" is another point that is not fully compatible with Young's account. Even though she recognises the continuity between historical injustices and current structural injustices against Black people in the United States (Young, 2011, p.185-187), she explicitly argues for moving away from "backwards-looking" conceptions of duty and responsibility towards a "forward-looking" approach (Young, 2011, p.108-109).

To show how this plays out in defining and evaluating actual institutional elements of the basic structure, an example from Young's (2006a) criticism concerning the basic structure as described by Rawls may be useful. As I already mentioned, Young argues that considering as a matter of justice only the processes through which persons can access different occupations (a central point for Rawls) does not go deep enough; it "takes as given the definition of occupations themselves and their relations" (Young, 2006, p.93). She suggests that instead of taking this for granted, we ought to also ask – as a matter of justice in the basic structure – how occupations should be defined, and whether the hierarchy of occupations, the differential recognition, compensation and status that comes with them, is just. Forming a theory of the just order would require that the correct organisation of occupations (not just who should be entering them), which system constitutes part of the basic structure, be also established. We know from the way gender injustice works that the division of labour in the family is a site of injustice, so the issues that it invokes ought to be addressed. In the matter of occupations, therefore, Young suggests that the "structural division between private domestic care work and public wage and salaried work" should be questioned (Young, 2006a, p.93). It is not incidental that this crucial question has not automatically arisen as a matter of justice despite its salience as a structural element in society; it is because justice theory's "impartial" presumptions in fact presuppose a male subject, a "head of household" for whom such issues are barely relevant (Okin 1989), and for whom the unpaid quality of private care labour is quite convenient and beneficial.

In her account of structural injustice, Young is consistent with her earlier criticism of how Rawls (and Pogge) conceptualise what counts as a matter of justice in the basic structure, and provides some reflection on racialised and gendered influences in her concept of structure. She also, in line with what Mills suggests,

defines the “structure” more expansively than Rawls or Pogge. However, she does not go as far as to problematise the *existence* of race and gender itself, as inherently hierarchical social categorisations and institutions. As we have seen from the preceding discussion in this thesis, especially in chapters 4 and 5, this is a necessary step if we want to get a grip on VAW as a matter of justice and address it in a way that is true to its structurally reproduced nature.

The task laid out by Mills and feminist theorists as described in the previous two chapters might seem overwhelming, because they shed light on many intertwined and fundamental ways in which race and gender are present in both social and global structures, which simultaneously constitute and produce race, racism, and racial injustice and gender, sexism and gender injustice. Similar to how Mills focuses on race (while recognising the similarly pervasive nature of gender), me and many other feminists focus on the issue of gender; but the task of establishing an analysis mirroring the real world is made even more complicated by the overlaps, intersections and interactions between the two (see chapters 4.5, 5.4 and 5.5). Not only should we highlight the different ways race and gender and the injustices inherent in them are working, but also how the two (gender and race) work *together* as interrelated and intersecting systems of oppression within the wider structure or “matrix” of “interlocking social institutions” (Collins, 2000, p.227).

Drawing on Mills but also informed by Okin’s (see chapter 3) and Young’s points of contention with Rawls, and the feminist insights discussed in previous chapters, I distinguish three main layers of criticism, which constitute three main processes in theorisation one ought to be conscious of when constructing theories in the global justice discourse, if one were to assign importance to race and gender fitting to their relevance and function in real-world injustice.

First, there is a meta-theoretical problem. This concerns the basic tenets and methods of theory-making which are unjust if they frame the theory of justice and of basic structures without incorporating a systematic reflection on race and gender injustice and the substantial conceptual issues arising from this. Some obvious examples of this are assumptions of the family as a just basic unit, a disregard for reproductive and unpaid labour, the assumption of individuals as autonomous (not requiring care at various stages of their lives), and a disregard for the still lasting effect of historical injustices. Such negligence or ignorance is framed as neutrality,

while in fact it means white- and male-centered, white- and male-dominated theories inept to address real-world injustice and reproduce on a meta-theoretical level the same hierarchies that are present in practice. In contrast to Pogge's approach, Young's (2004; 2006b; 2011) account of structural injustice is more defensible against this criticism. Even though it would be an exaggeration to say that her account includes a systematic reflection, it does include some reflections and explicitly recognises that race and gender play a crucial role in determining people's positions, and acknowledges the importance of addressing racial and gender injustice.

The second issue is the social-ontological problem of not recognising race and gender as *inherently* hierarchical, unjust categories – in Mills's conceptualisation, (unjust) socially constructed institutions, which form part of basic structures and are reproduced by them. As I argued in chapter 4, we might perceive of gender as an institution if we highlight that gender as an institution strongly influences all other institutions (cannot be strictly isolated). Perhaps more important than the question of whether and how we might conceptualise gender itself as an institution is the recognition that it is inherently hierarchical, and that the inherently hierarchical, unjust construction of gender is entrenched in and is enforced by institutions, policies, practices and processes that make up larger structures. Hence, social and global basic structures and elements of the basic structure are rightly characterised as *patriarchal* in a way described in chapter 5. In the aspect of problematising gender (and race) itself as inherently hierarchical, unjust and structurally-institutionally maintained, neither Pogge's nor Young's account escapes criticism. This aspect is crucial in conceptualising VAW as a matter of global injustice, and for doing so in a way that addresses the actual processes of causation and VAW's continuous reproduction — and as I discuss in the next chapter, it will complicate the interpretation of both theories for this purpose.

The third, related layer is the problem of not recognising that everything, every institution that forms part of the basic structure or institutional order, is gendered and racialised. This results in an inadequate identification and analysis of the institutions we should be concerned with, and of the harms they produce. In the case of Pogge's focal concern, global distributive justice, this failure also manifests in not recognising that racial and gender injustice “disproportionately determines

the composition of the [economically] worst-off group” (Mills, 2010, p.171). Practically, Pogge takes no account of how race informs the global inequality he is concerned with, nor of what is frequently referred to as the “feminisation of poverty”. Similarly, his failure to exercise sufficient scrutiny regarding the problem of household-based measurements despite his detailed analyses and criticism of how poverty is measured, is striking.⁶⁹ Pogge’s narrow notion of what “institutions” are, and of what institutions, practices and processes form part of the institutional order in a way that makes it unjust, do not include social institutions, market actors and practices that play into global injustice in racialised and gendered ways. Regarding this issue, Young’s account is again more defensible.

According to Mills, all these issues, often not included in theories of justice, ultimately rest on the lack of respecting the most basic moral principle, the equal moral worth of persons; on “the denial of equal personhood” (Mills, 2010, p.171). I will return to this claim in the next chapter. For now, I aimed only to identify a few basic flaws in mainstream theory that one ought to be aware of, and that we can learn from in order to construct theories of justice that address injustice as it is present in the real world. Theories ought to systematically reflect on gender and race; ought to recognise the inherent injustice in gender and race; and ought to recognise that they are pervasive, embedded in institutional arrangements (broadly understood). These points inform my own conceptualisation of VAW as a matter for global justice, which I lay out in more detail in the next chapter.

6.5. Institutions, structures and gender-based violence against women

As I discussed in previous chapters, the root cause of violence against women is gender and gendered, sexist and patriarchal⁷⁰ structures, processes and institutions. The actual, direct acts of violence against women are not deviations from norms by the odd individual perpetrator, but stem from gendered, sexist social and institutional norms. Acts of violence against women are the extension of pervasive gendered and sexist norms, typically performed by many of those empowered by those norms (men) to act coercively upon many of those disempowered by those

⁶⁹ Also see the discussion on intra-household inequality in chapter 2.6.

⁷⁰ I use patriarchal in the sense that structure X is patriarchal if structure X is characterised by male dominance. For a more detailed description of patriarchy and patriarchal, see the previous chapter.

norms (women), serving to demonstrate and maintain men's power and dominance. These norms are not only present in perpetrators' or the general population's minds, but permeate the rules and processes of actual institutions that form part of social and global structures. Furthermore, the widespread, massive prevalence of VAW tells us not only about the state of the human rights of those already victimised, but of women in general – Pogge's account will prove useful for articulating this in the terms of the global justice discourse (see chapter 7).

Similar to the notion that economic inequality and poverty are not a matter of "misfortune" but of structural injustice, the notion that violence against women is not a "phenomenon" or merely a matter of individual men's random acts of aggression against women, but the outcome of long-standing structural and institutional gender injustice is not a new idea. The CEDAW Convention holds that signatory states must:

modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and customs and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women (CEDAW, 1979, art. 5)

– i.e. gender. The Convention's words stipulate that states have a responsibility to induce change in the conduct and beliefs of private individuals in order to change the "patterns of conduct" present in society, including gender, which result in the unjust treatment of women, including violence against women.

Twenty years ago, the Beijing Declaration proclaimed that:

[v]iolence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement. (UNGA, 1995, 118)

The Beijing Declaration called for states to "remove all the obstacles to women's active participation in all spheres of public and private life" not merely by removing the official constraints that would prohibit them from such participation, such as laws explicitly prohibiting women access to particular spheres or positions, but establishing "the principle of shared power and responsibility [...] between women and men at home, in the workplace and in the wider national and international communities" (UNGA 1995 I.1.). This is essentially a call for eradicating gender roles. It also declared that "[e]quality between women and men is a matter of human rights and a condition for social justice" (UNGA 1995 I.1.), and recognised that

there were and are shortfalls in structural arrangements, calling for the introduction of gender mainstreaming:

Macro and micro-economic policies and programmes, including structural adjustment, have not always been designed to take account of their impact on women and girl children, especially those living in poverty. (UNGA, 1995 I.1.).

Though the thought that VAW is the result of structural flaws, norms and people's beliefs and attitudes that mirror the same gendered notions is not new, there is still work to be done in conceptualising this in terms of justice. Today, the languages of "need" of "vulnerability" – which were also used in the Beijing Declaration, next to recognising institutional processes as harmful and historically embedded – are used prominently and eclipse the understanding of VAW and gender as structural and institutional injustices in international discourse and academic discourse alike (Parekh, 2012). Discourse on VAW in political philosophy tends to treat it as a matter of individual moral wrongs, a matter of culture, or a matter of special vulnerabilities innate to "women's experience", not explicitly recognising that this "vulnerability" is *brought about* by unjust gendered structural arrangements, is actively maintained, and does not exist despite institutional arrangements or independently of them.

Conceptualising VAW as a matter for global justice is a challenging task, because gender and gender injustice are pervasive, permeating most, if not all, social and interactional processes and practices in the whole world. We have seen the same challenge with the task of defining "patriarchy" in the previous chapter. There are various types of individual and collective actors who have different causal roles in VAW and in maintaining the structures that produce it, and there are various types of elements making up that structure. In the remainder of this thesis, I aim to disentangle these various kinds of actors and structural elements, with the next chapter also including a rough typology based on various types of actors' causal role and the types of responsibility/duty corresponding to them.

The challenge is not only conceptual, but also practical. In practice, pervasive injustices that involve so many actors and are so structurally embedded are perhaps impossible to eradicate. Indeed, Verloo (2016) exclaims that the equality of the sexes, the abolition of unequal gender regimes "is a Mission Impossible", in large part because "there is an ongoing *perpetuum mobile* of gender inequality that is driven by both structures and daily actions of human beings across

all domains and dimensions of life” (Verloo, 2016, p.1). She describes gender’s pervasiveness with desperation:

The tenacity and complexity of gender inequality regimes is caused by the multilevel and multidimensional character of gender, by its location in all social domains, and by its deep connections to other inequalities. [...] The multilevel character of gender means that gender is part of societal structures and organisations, of symbols and norms, of identities and behavior. Identities, personalities, routinized behaviour, symbols, norms and structures are made and remade on a daily basis by the human beings on this planet. They make conscious decisions about this gendered world and their positioning in it, but also often just routinely follow the gendered tracks or scripts that history provides in their contexts. It is hard to think of a domain where these gendered tracks or scripts would be absent. (Verloo, 2016, p.1)⁷¹

Verloo’s words also illustrate the simultaneous presence and influence of structural-institutional arrangements and the cumulative actions of a mass of individuals, which invoke a Poggean concern on the one hand, and a Youngian one on the other. It cannot be denied that ending such a pervasive injustice is a very hard and perhaps impossible task. Nevertheless, it is important to keep addressing it, and as part of doing so, conceptualising gender and gender injustice in structural and institutional terms, analysing and disentangling the various kinds of actors, causations and processes is key. By building on ideas in Pogge’s and Young’s theories, I am putting forward a framework that allows us to better analyse and understand this task. Neither is fully adaptable to describing gender and VAW, but both describe some kind of responsibility or duty that I argue is relevant in the case of different kinds of actors involved in the production of VAW. Building on their arguments, combined with and improved by feminist insights and the principles expressed in the previous section, we might begin to construct an overall theory of VAW as global injustice.

6.6 Pogge and Young on gender and VAW

After introducing Pogge’s and Young’s theories, reiterating some crucial points justice theories ought to address based on Mills and feminist thought, and re-asserting the claim that VAW is structurally reproduced, I now turn to assess in more detail what Pogge’s and Young’s theories might contribute to the project of

⁷¹ Note that Verloo also uses gender and gender inequality as practically interchangeable.

analysing VAW as a matter for global justice. This discussion stretches across into the next chapter, and also highlights some gaps that my theory aims to fill. This section considers each authors' self-declared position on gender and VAW in relation to their theories.

Pogge considers VAW a matter of interpersonal wrongs rather a matter of justice. He uses the conceptual framework of human rights, and in his classification, VAW could only be considered a human rights violation under an *interactional* view of human rights, which view he does not endorse (at least not when human rights are theorised as a matter of justice). In Pogge's eyes, VAW (when perpetrated by a private individual), is about the individual conduct of the particular perpetrator and is "not official", not from a politically relevant source – and as such, not an institutional and structural matter. Pogge does not recognise the political nature of VAW and gender-relations that feminists keep pointing out (see chapter 4), nor the "official" or institutional elements in VAW (see chapter 3), and claims that it cannot be a human rights violation. While there are non-state agents whose actions he thinks might be considered as possible human rights violations, individual actors are not one of these:

Human rights can be violated by governments, certainly, and by government agencies and officials, by the general staff of an army at war and probably also by the leaders of a guerrilla movement or of a large corporation—but not by a petty criminal or by a violent husband. (Pogge, 2001b, p.192)

From his examples, it seems that what makes non-state agents "official" and thus a potential source of human rights violations is either their role as participating in the political arena (as traditionally understood), representing an organised collective that acts in this arena, or the "official" element is provided by how the state acts in relation to these agents and their actions, allowing them to directly violate human rights. Pogge does not recognise VAW as an outcome of wider gendered institutional structures, nor the role of states in allowing it, but treats it as a matter of individual action. In short, he is faulty of assuming the traditional public-private distinction that neglects the reality of injustices against women (see chapter 4).

As Mills points it out, this is not the only way in which Pogge falls short of considering the importance of gender as an aspect of structures and institutional orders – he is also the target of criticism on the basis of not considering the crucial role of gender (and race) in the global institutional order he describes, and the

gendered and racialised effects on the unjust, harmful outcomes of the operation of that order.

How about Young? While in *Responsibility for Justice* (2011) and in other works discussing her concept of structural injustice (2003; 2004; 2006b) Young does not elaborate a theory on gender and VAW within the wider social context, she conceptualises VAW as a form of gender-based oppression (and as such, a distinct form of social injustice) in other works. In *Justice and the Politics of Difference* (1990), she identifies five, interrelated “faces of oppression” that oppressed groups experience, one of which is violence against members of these groups by members of dominant groups.⁷² Her concept of structural injustice appears to be devised with less inter-related actions in mind, ones that do not share an inherent common ground or basis in the same way that the different “faces” of oppression do. We can imagine a scenario like Sandy’s with a subject who belongs to a dominant social group, and whose predicament is produced by the kinds of unrelated cumulative actions Young is concerned with, without any of these actions being influenced by processes related to his belonging to a group (for a more detailed analysis on this difference, see chapter 7.2 and 7.3). Meanwhile, facets of oppressions such as marginalisation are the results of cumulative action by definition grounded in relations between (members of) social groups.

While Young does not mention VAW in relation to her theory on structural injustice, and does not reflect on it as an outcome of structural injustice, she does mention gender, as well as race and other “positions” such as age, family background and income level, as important features of the processes and practices in structural injustice (Young, 2011, pp.37-38). Young asserts that in the course of examining background conditions and social (in)justice, we ought to scrutinise whether it is fair that “whole categories of persons” have vastly different options and opportunities (Young, 2011, pp.38). Specifically regarding her illustrative example, Sandy’s situation, Young asserts that “[t]he reinforced norms of a gender division of labor give her primary responsibility for the care and upbringing of her children” (Young, 2011, p.59), and gender and Sandy’s class background also influence her job options, which affect her overall situation.

⁷² The other faces of oppression are exploitation, marginalisation, powerlessness, and cultural imperialism.

Young also uses Sandy's example to explain a point about distinguishing individual wrongs and structural injustice. She imagines a variation of Sandy's story in which some landlords turn her away when they learn that she is a single mother, and lie to her that the apartment is no longer available, which Young posits is a case of discrimination. While treating Sandy disrespectfully and lying to her, Young points out, is a moral wrong that persons do to one another directly, it is not a matter of justice, because that is reserved for "more systemic wrongs" (Young, 2011, p.71). However, Young asserts, the background of a particular interaction of this sort does reveal a systemic wrong and hence injustice, in the form of "a socially reinforced and widely shared prejudice that a "proper" family should be headed by a man, and labor market processes that crowd nonprofessional women into a relatively small number of low-paying occupations" (Young, 2011, p.71). The background conditions consisting of "rules, incentive structures, and actions that produce the injustice of gender crowding in occupations [are] often not directly experienced by job applicants", they are not necessarily expressed in direct personal interactions, but it is these kinds of background conditions where injustice can be located (Young, 2011, p.71). While Young recognises the discriminating landlord's actions as legally and morally wrong, she is still against a liability-model understanding of his responsibility, because there are still many more agents responsible for Sandy's situation, who would be "absolved" of responsibility if we singled out the discriminating landlord who in himself would not be enough to cause housing insecurity for Sandy (Young, 2011, p.106).

Even though neither Pogge nor Young describe VAW (or discrimination) as a kind of injustice their theory would be concerned with, I intend to show that both authors' accounts can have useful imports to this end. The difference between direct, interactional wrongs and other forms of (institutional, political, collective) duty and responsibility that Pogge and Young both analyse will also prove important when trying to conceptualise VAW as a matter of injustice and to identify the various kinds of agents with various types of responsibility in VAW.

6.7 Conclusion

This chapter gave an overview of two models of duty and responsibility in structurally and institutionally produced and maintained injustices that have grave

outcomes: Thomas Pogge's account on global distributive injustice resulting in extreme global poverty and Iris Marion Young's account on structural injustice resulting in various kinds of vulnerability and suffering. Most importantly for the purpose of conceptualising duty and responsibility in VAW as a matter for global justice, it outlined Pogge's conception of institutional human rights, and Young's idea of non-blameworthy, non-malicious everyday conduct resulting in structural injustice. The theory laid out in the next chapter builds on the concepts introduced here.

The chapter also introduced Charles Mills's criticism on Pogge, and identified three interrelated flaws often characterising theories of justice, making them unfit to address the gendered and racialised nature of real-world injustices. These are (1) the meta-theoretical issue of failing to systematically reflect on gender and race and to recognise that this ignorance, affecting the basic conceptual frameworks of theories, is itself unjust; (2) the social-ontological issue of failing to recognise the inherently unjust nature of gender and race; (3) and the issue of not recognising the embeddedness of gender and race in all institutions and overall institutional structures. I also highlighted the problem of defining institutions narrowly, constituting a failure to recognise types of institutions that are in fact relevant in real-world injustice. The chapter asserted that these flaws are manifest in Pogge's work, while they are present to a lesser extent in Young's, and that we have to keep them in mind in order to construct a sound theory relevant to the real-world. The chapter also discussed Mills's suggestion to first counter racial and gender injustice, that is, to eradicate race and gender as social constructions of domination and subordination in reality, before having a discussion on justice amongst de-raced and de-gendered, equally cooperating individuals. I asserted that this might not be a temporally separable task, but it is a necessary, unavoidable task for ameliorating injustice.

I reiterated the argument already established in previous chapters, that VAW is the outcome of gendered structural-institutional arrangements and the everyday conduct of masses of individuals. I argued that we ought to keep addressing VAW-producing gender and gender injustice despite the profoundly challenging nature of this task that is owing to gender's pervasiveness, its embeddedness in every layer from individual interactions to social and global processes.

The chapter also showed that neither Pogge nor Young address VAW and its roots in their work on structural injustice. The next chapter examines whether their theories are apt to do so. It argues that neither theory is fully equipped to address gender-based VAW, but we can draw on Young's and Pogge's concepts and arguments in order to scrutinise and start building a theory on the different types of causation and other factors in the case of different types of participants in the reproduction of gender and VAW, and the various types of duty/responsibility corresponding to their causal roles and relevant characteristics.

7. Towards an account of duties and responsibilities in VAW

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7.1 Introduction

This chapter continues where the previous one left off, assessing Young’s and Pogge’s theories’ potential import to thinking about responsibility in VAW and building on a combination of their approaches. I argue that both theorists’ models are useful in mapping responsibilities and duties regarding gender and VAW, albeit their theories are useful in relation to different kinds of agents. Building on their work, I lay out a framework to assess various agents’ responsibility in VAW. I assess agents based on (1) their causal role; (2) their status as official or unofficial entity (relevant because of their capacity to exercise coercion); (3) the reasonable expectations we can have towards the agent to be aware of its/his/her actions’ effects (including cumulative effects); and, related to the previous point (4) the agent’s intentions.

First, I assess the usefulness of the two accounts for theorising responsibility in VAW, and argue that Pogge’s institutional conception of human rights and Young’s conceptualisation of what constitutes part of the basic structure are particularly useful notions in theorising gender-based VAW as a matter for global justice theory. Then, building on Mills’s points raised in chapter 4 and 6 and feminist theorists’ points in chapter 4 and 5, I will introduce a problem neither theory is fully equipped for (though Young’s comes closer): power hierarchies that map gendered social categories, and the gendered normative content informing policy and the many individual actions accumulating in wider social processes.

Subsequent sections are devoted to sketching a preliminary typology of responsibilities in VAW.

7.2. Two accounts and gender-based violence against women

After introducing Pogge's and Young's theories in the previous chapter, I now turn to the task of assessing them on the basis of whether and how they might be used to theorise gender-based VAW. To recap the earlier discussion and help illustrate their differences and key points, please find a simplified summary comparing the different aspects of their theory below.

Table 1 Comparing Pogge's and Young's models

	Pogge's model	Young's model
Issue addressed by the theory	Extreme global poverty; particular international processes and practices in the resource-trade, national loans, the pharmaceutical industry	Structural injustices
Paradigm example	People living in extreme poverty in resource-rich states in the "Global South"; poverty-related deaths and illnesses	Paradigm example socially: "Sandy" and housing insecurity Paradigm example in the global context: sweatshop labour
Where is the injustice located?	Global institutional order	Social structure (also existing globally by virtue of interconnected processes)
Elements of the structure	Global institutions, institutional rules and practices, such as international laws, rules and practices of trade.	Everything social: political, social and economic processes and practices, social beliefs and customs, formal and informal institutions (ultimately made up by individuals' actions). The structure is the whole of society (not only a part of it).
What is the outcome of the injustice?	Massive human rights deficits / the foreseeable and avoidable <i>underfulfilment of human rights</i> of large numbers of people.	Different options available for different people (for no justifiable reason); Vulnerability to suffering (poverty, deprivation, housing insecurity), exploitation, domination, deprivation of the means to exercise their capacities, experienced by large numbers of people.
Who is responsible?	Those who coercively impose the institutional order: wealthy states with power and influence, and their constituents (citizens).	Everyone. Some have more responsibility than others depending on various factors (e.g. their power to affect change).
How does the agent become responsible?	Wealthy states by coercively imposing the institutional order; constituents of wealthy states by legitimising the decisions and conduct of those states and benefitting from their actions; citizens are collectively responsible for their society's organisation and state's conduct	By virtue of being part of society and unjust global processes, thus participating in unjust structures, people have a <i>political responsibility</i> to work together to engage collectively to change unjust structures.

Why is the agent's action or conduct wrong?	Because they cause harm by coercively imposing an institutional order resulting in foreseeable and avoidable human rights deficits.	The conduct of the agents (individuals) is not wrong in itself, except when they engage in outright discrimination. They are pursuing their interests and avoiding risks in a normal way. Structural injustice results from the accumulation of non-malicious and individually harmless actions that unintentionally participate in unjust processes and practices. Individuals are responsible not because they are liable for any harm, but because of their <i>social connection</i> .
What is the nature of the responsibility?	Causal. Agents are culpable (or liable). Remedial responsibility also arises from a causal relationship and is understood as compensation for harm.	Collective, political (cf. Arendt). Agents are not culpable (liable). Individuals' "forward-looking" responsibility is to communicate, deliberate and engage with others to bring about collective political action.
What should be done to ameliorate the injustice?	Institutions should be reformed so as not to produce human rights deficits; individuals in wealthy states should exercise their democratic rights to have governments and states that do not coercively impose a harmful global institutional order.	Individuals should work towards a less unjust/more just structure in ways that they see fit, through politically engaging with others.

In the case of the human right to physical integrity, to security, Pogge posits that “a valid complaint against our social institutions can be presented by all those whose physical integrity is not sufficiently secure, not by all those who happen to suffer an assault” (Pogge, 2008 p.53), i.e., not by all those whose human rights have already been violated in an interactional conception. Pogge speaks not of *violation* of human rights, but “*non-fulfillment*” or “*underfulfillment*” of human rights, which means that “[a] human right to life and physical integrity is fulfilled for specific persons if and only if their security against certain threats does not fall below certain thresholds” (Pogge, 2008, p.53). Otherwise, the human right to security for these persons is underfulfilled.

This is a particularly useful formulation of human rights for the issue at hand, considering that according to the WHO's (2017) estimates, women globally have (at least)⁷³ a 1:3 chance of becoming victims of VAW. Social and global institutions are organised in a way that a very prevalent threat to the security of a

⁷³ I say “at least”, because the one in three global estimate only covers domestic violence and/or rape, and there are other forms of violence directed against women (such as FGM, that in some countries affects nearly 100% of the female population). The sphere of victims of other forms of violence with the estimated forms may overlap, but the spheres are most probably not equivalent.

subset of its subjects – women – results from it and prevails, which means women's human rights to physical integrity and security are not fulfilled. In case one would want to deflect responsibility to particular victims for their continued insecurity in the case of IPV, it is also worth noting that attempting to escape increases the risk of their murder (WHO, 2012, p.4), which they are also often (credibly) threatened with. Further, in case one would want to assign responsibility to only the victim and/or the perpetrator for particular victims' continued insecurity, one would have to disregard the failures to adequately respond to known cases of continuing VAW, and sometimes the ways in which states' conduct facilitate the continuation of VAW and the further risk a perpetrator may pose not only to the victim, but also to other women, as described in chapter 3.

However, the issue I wish to bring to the fore here is not only that the physical integrity of those women who already fell victim to VAW was violated, which is itself a moral offense; it is that it was violated in the context of institutional structures in which there is no effective access to the human right to security for women and that in fact produce the gendered background conditions in which the actual threat to women's security is rooted. This conception provides a new way of supporting the arguments of the "women's rights are human rights" movement and scholarship (Bunch, 1990; Peters and Wolper, 1995; Gould, 2008).

Using a categorisation established by Edwards (2011), we can distinguish two main ways employed in the human rights literature so far to support the "women's rights are human rights" claim. One is based on the notion that the personal is political, and hence that violence by private actors in the so-called private sphere ought not be excluded from what is considered political violence. Even though the state's role in the occurrence of this violence is also scrutinised, the main argument in this approach centres on explaining how acts of VAW constitute torture and inhumane treatment – and hence a violation of victims' human rights to physical integrity and dignity – and how individual agents' actions are also political, hence can be interpreted as relevant human rights violations in an "official" sense (Edwards, 2011). This kind of argument conceptualises acts of VAW according to the traditional, interactional understanding of human rights: the violator of the right is the direct perpetrator, even though states have a responsibility to ascertain that this does not happen and that it is duly responded to when it does.

The other approach is to understand VAW as discrimination, as the expression of women's inequality and unequal treatment in the state and society. The state is held accountable because states ought to combat discrimination and ought to have and enforce policies to address it. It is accountable to address those structural, institutional and material factors that allow discrimination (and VAW as one of its sub-types). In this approach, the focus is drawn away from the direct perpetrator onto the state, which ought to recognise VAW and impunity for VAW as "sex-inequality violations" (Edwards, 2011, p.147).

What a Poggean institutional understanding of human rights can do is to take the second kind of argument one step further. For this, we have to recognise two premises. One, that states and state institutions, and to some degree international institutions, themselves partake in reproducing gender and gender inequality, and hence VAW – as asserted in chapters 3, 4 and 5. It is not the case that the structures maintaining the root-causes of VAW are purely "social", that hierarchical gender is produced in "society" understood as a separate entity, with neutral and uninvolved states only *responding* to social phenomena, trying to regulate and shepherd society towards the right, discrimination-correcting direction from the outside. Rather, states and their institutions are *part of society* and *partake* in the production of social structures, with the difference that they have special power and heightened influence, leading us to a second premise. Before turning to that second premise, let me point out that in this claim, there is an element from Young's approach in that states and formal institutions are part, though not the whole, of the structure. Yet, unlike Young's, my approach in the second premise does not perceive official-institutional/state elements as mere tools that individuals might utilise in the process of exercising collective responsibility.

The second premise is that the conduct and actions of states and state and international institutions are different from that of non-official actors (individual and accumulated) for two reasons. One, states and agencies and institutions established or legitimised by states have power to *impose* their laws and policies and are legitimate in using coercion in doing so; they have the power to codify (social, economic, etc.) norms. And two, by virtue of the nature of their relationship, such agents have a special duty towards those over whom they have power, a special duty to ensure their physical security (and prosecute when this cannot be done), combined with the state's monopoly on the legitimate use of force. In the case of

VAW, this means that agents with the power to coerce ought to design and operate institutions in such a way that it does not produce insecurity for those subject to those institutions (on what the public health approach called the primary level of prevention, see chapter 3); and they ought to provide protection and prosecution when situations of insecurity and violence arise (on what the public health approach called the secondary and tertiary levels, see chapter 3). It also means that, insofar as we accept the claim that the root-causes of VAW are structural and also institutionally embedded in the ways chapters 3, 4 and 5 tried to show, such official agents currently *impose* an order which, though not consciously designed for this precise purpose, results in a massive underfulfilment of women's human rights to security. As I will soon argue, actors that *do not* have a power to impose and coerce might be responsible in a way that Young suggests, but official agents (states and institutions established and governed by state agents) have a more serious responsibility – a duty – because of the qualitative differences that distinguish them from simple social actors.⁷⁴

In this understanding, the issue is not only an interactional violation by direct perpetrators, nor only states allowing impunity for perpetrators or negligence towards discrimination. The state and national and international institutions in which states and state agencies participate do not only have a responsibility because states ought to pursue a just state of affairs (independently of the conduct and role of these actors in the current state of affairs) or because everyone ought to pursue a just state of affairs, for which states are well-positioned to function as a catalyst of collective effort, as Young (2011) perceives the state's potential role. They also have a heightened responsibility (duty) because they currently, through the accumulation of minor and larger, complex and intertwined policies and actions which uphold gender and the hierarchical set of norms and roles inherent in it, partake in the production and systemic facilitation of VAW. Such an approach is compatible with the reality of VAW as a gendered offence that grows out of not directly violent, but ultimately harmful processes and practices, and the accumulated actions of not only countless individuals contributing towards these,

⁷⁴ There are also collective actors and institutions with a high level of influence that sometimes use coercion or have effects close to coercion, notably churches, sects and other religious organisations, whose activities states varyingly endorse, allow, or regulate. For further discussion, see chapter 7.8.

but states and official institutions as well. VAW in this understanding is exemplary of a “chronic underfulfilment” of human rights.

Pogge’s account, thus far, seems to have two useful imports for thinking about VAW as injustice. First, Pogge’s conception of institutional human rights and “massive underfulfilment of human rights” provides an understanding of human rights suitable to convey the concern regarding not only victims’, but women’s insecurity in general as a result of VAW. That is, it helps formulate within the language of human rights not only concern regarding the particular women who were, currently are or will turn out to be victims, but concern for the whole group whose members are at risk of harm. Second, Pogge’s emphasis on state and formal institutions as agents with the power to coercively impose rules and norms (or a regime or order) highlights the specific wrong in states and institutions’ roles in maintaining unjust, gendered background conditions and in neglecting the security of women.

However, taking into account the analysis of gender-based VAW and patriarchy as discussed in preceding chapters, it is clear that adopting a Poggean theory in its entirety is not suitable to conceptualise the injustice of VAW. While the emphasis on states (in his original theory, particularly “powerful” states in the Global North) and international institutions largely influenced by powerful states is useful to a degree, theorising gender and global VAW necessitates scrutiny on the conduct of a set of agents and institutions much wider than what Pogge’s focus permits, and an opposition of interests more complicated than a geographical North/South division. Pogge’s model might not be wholly defensible even for addressing global distributive injustice (the original purpose of his theory). He was widely criticised for employing a simplifying duality regarding responsible agents and those harmed – that is, wealthy Northern states and their citizens harming poor Southern states and their citizens – whereas the reality of how extreme global poverty comes about rests on more complex chains and webs of causation (Jordaan, 2010; Ci, 2010; Chandhoke, 2010; Tan, 2010; Cohen, 2010). While indeed, wealthier states in the Global North have more influence on international institutions and processes than poor states in the Global South, and oftentimes exert coercive pressure abusing their power in the global arena, it is also important to

recognise the role of governments in Southern states struck with extreme poverty,⁷⁵ and the existence of “in-between” states that fit neither the “poor Southern” nor the “rich, powerful Northern” category. For instance, there are states that do not have much power and influence in forming and imposing the international order, but in certain ways benefit from the unjust orders imposed – such states do not fit Pogge’s model of duty, but we might not want to deny that they have a responsibility.⁷⁶ It should be noted, however, that the role of powerful states in the international arena (including international institutions and organisations), which Pogge highlights, is also relevant in terms of economic policies’ effects on gender injustice and VAW. That is, austerity measures frequently pushed by wealthier and more powerful state agents have a negative impact on gender justice (see chapter 5.4).

The above means that while Pogge’s theory is not suited to address all the complex processes of causation that characterise pervasive global gender injustice and VAW (nor those that characterise global distributive injustice, according to his critics), it can have useful imports to conceptualising VAW in terms of global (in)justice; most importantly, the relevance of “coercive imposition” in identifying duties, and the institutional conception of human rights. There are structural elements that are not included in Pogge’s definition of the international order but that bear relevance in gender-based VAW. The importance of identifying which institutions and structural elements are of concern is elevated because it also determines what makes individuals responsible; what constitutes participation in an unjust structure in a way that invokes some kind of duty or responsibility (and what kind of duty or responsibility it invokes). Since Young has a broader understanding of what constitutes part of a “structure”, her account allows more complexity and variety regarding the agents, the kinds of agents, and the kinds of participation implied, it might be more defensible against objections in general, and also more compatible with the reality of how VAW comes about. I will now turn to evaluate

⁷⁵ Critics especially stress Pogge’s near-disregard of local factors and the responsibility of local agents in poverty-stricken regions. To be fair, Pogge recognises that the global North and its affluent citizens “coll[ude] with the ruling elites of most poor countries, [...] harming the global poor” (2005, p.55).

⁷⁶ For instance, consider countries that are part of the European Union, but are not particularly powerful neither within the Union, nor in the wider international arena (such as Bulgaria, Hungary, Romania or Greece) – yet, such countries benefit from the international institutional regime in various ways, in part by their membership in the Union.

Young's theory, similarly identifying its potentially useful insights and its more problematic aspects.

In contrast to Pogge, for Young, structures include social (and in an intertwined world, global social) institutions, practices and processes. As chapter 5 asserted, considering a wider array of elements as parts of the unjust structure resonates more with the way patriarchy, the maintenance of gender injustice, and the reproduction of VAW works. Not only that; Young also names incentivisation in the form of ideas as elements in unjust structures, such as the issue that “[garment industry] workers are encouraged to think of themselves as ‘self-employed’” (Young, 2011, p.130), which contributes to the perpetuation of exploitative labour practices. The admission of “ideas” (incentivised perceptions of oneself and of others) as relevant elements upholding unjust structures is useful, because the gender-structure resulting in VAW also includes ideas like this; ways that people (victims of injustice and those privileged by, or benefitting from it) are “encouraged to think of themselves as”.

As I described earlier, an approach based on Young's account may provide a better way than Pogge's to conceptualise individuals' responsibility (or at least some individuals' responsibility) in the gendered structure resulting in VAW. Previous chapters showed that gender (as an inherently hierarchical and hence unjust construction) is the root-cause of VAW, and all (or most) individuals clearly participate in upholding this background condition in various ways, participating in a wide array of institutions, processes and practices. It seems to me that even though their emphases and their models of duty/responsibility differ, Pogge and Young roughly agree that individual responsibility may be allocated on the basis of political representation and participation. Pogge asserts that citizens of affluent states are complicit in global injustice and violate a negative duty not to harm (1) by the fact that their governments coercively impose a global institutional order “in our name” (Pogge, 2005, p.79, p.81), using the power “we” delegated to them, and the taxes “we” pay them, and (2) by profiting from that order without compensating those for whom it produces suffering, for example through purchasing cheaper goods while not wiring what we saved on these goods to Oxfam (Pogge, 2005, p.72). Similar to Young, Pogge (2005) suggests that individuals have a different degree of responsibility according to their capacity to exert political influence. Young's (2011) model also invokes both kinds of responsibility, though she does

not find individuals culpable in violating a negative duty, and subsumes both kinds of conduct under a broader understanding of “participation”, which also includes more ways of conduct than citizenship, complying with taxes and particular unjust laws, and benefitting without compensation. Additionally, Young’s account applies to individuals globally, not only to those in democratic states, where Pogge’s model of individual responsibility derived from democratic citizenship is not useful.

Young recognises processes that result in inequalities between persons in different social categories as a part of unjust structures. Yet, even though she mentions “domination”, she does not place much emphasis in her theory of structural injustice on group-based power-relations and social hierarchies; she uses primarily the language of opportunity, ability, privilege, disadvantage, and vulnerability of persons or categories of persons. Her paradigmatic example is the category of persons in the “shared position” of “being vulnerable to housing insecurity”, who have “diverse attributes, life histories, and goals” (Young, 2011, p.56) Although Young does mention power in her theory of political responsibility, she does not perceive of it as relational between social groups and their members (power over), but focuses more on the different degrees of influence individuals can exercise in the course of discharging their political responsibility of working collectively for change.

Young’s primary aim with conceptualising structural injustice is to address outcomes that involve a sum of decisions and actions by various individual agents (*qua* individual agents, not members of a group) that try to maximise individual self-interest and minimise risk. Structural injustice is “a material meeting of the actions of millions of individuals each with their own projects and ends, and the actions and policies of dozens of institutions with varying missions” (Young, 2002, as quoted in Parekh, 2011, pp.676-677). The actions of individuals in these cases are not informed by power-relations between different groups or norms regarding different groups (such as racialised groups or the sexes). Since such, unrelated and in themselves unproblematic, but cumulatively injustice-producing actions are at the centre of Young’s attention, it is challenging to configure her account for the purposes of addressing VAW and its roots.

This became evident to me by trying to describe a series of events and factors culminating in a case of VAW in a way similar to Young’s “Sandy” example. Of course, the perpetrator (let’s call him Andy) would be directly liable

for the violence he perpetrates against the victim (let's call her Wendy); but he would not be the only agent responsible. Andy's equivalent in Sandy's story is probably the first landlord – the one that opts for a condo-conversion, setting Sandy's housing insecurity into motion – though since the landlord is well within his rights to do that, unlike Andy, he is not liable or particularly responsible according to Young. In contrast, Andy commits a moral wrong. Another, perhaps more fitting equivalent to Andy would be a discriminating landlord who rejects Sandy as a tenant because she is a single mother. In Young's analysis, this landlord is morally wrong but not unjust, as injustice is a character of structural arrangements; what is unjust is the underlying systematic wrong in the form of “a socially reinforced and widely shared prejudice that a ‘proper’ family should be headed by a man, and labour market processes [...], rules, incentive structures and actions that produce the injustice of gender crowding in occupations”, with nonprofessional women typically having low-paying options (Young, 2011, p.71). I should also note that a corresponding example also exists in Pogge's theory: a factory that knowingly pollutes a river depriving people of drinkable water perpetrates interactional harm directly (Pogge, 2004, p.4-5). But neither Young nor Pogge believe that we should dismiss the wider context – the social prejudices, housing and labour market and policies in one example, and the environmental and trade policies in the other – in the cases we can identify agents acting wrongly in an interactional sense, causing direct harm.

In addition to Andy being directly responsible (and culpable), a story ending up in a particular case of VAW would have to include the institutional factors and processes and other individuals' actions influencing both the future perpetrator and the future victim to examine the way in which the suffering comes about.⁷⁷ It would have to list many ways in which (and many agents by whom) Andy and Wendy are gender-socialised; many agents that uphold the general, gendered background conditions in which VAW can occur; and many agents participating in creating the conditions in which Andy can continue inflicting VAW on Wendy in a way that keeps Wendy's physical safety as well as her housing at risk. Agents involved in this would be countless, and the particular ways in which they influence Andy and

⁷⁷ Remember that the public health approach to VAW highlights the various preventive levels/causal stages not only in case of victims, but also in the case of perpetrators (see chapter 3.2).

Wendy would be countless too. In terms of gender-socialisation and pervasive gendered structures, parents, teachers, peers, the media, educational policy, media policy, criminal law, family law, and so on, all would have a particular influence on Andy's and Wendy's mindset and relationship.

So, Andy and Wendy's story would be similar to Sandy's situation in that many would have contributed to the background conditions resulting in this (or any) case of VAW and to enabling its continued perpetration. However, it would be hard to find actors and actions that are similar to those described by Young in Sandy's case in that they are merely concerning the pursuit of legitimate personal projects (such as landlords setting a particular price for their apartment, or deciding that they want to convert it).⁷⁸ By the time of Andy and Wendy's relationship, many actors and kinds of actors would have relayed social norms to them; Andy and Wendy would have learned the social norms of masculinity and femininity from their surroundings and this would inform their actions. During the abuse, the conduct of their acquaintances, communities, state institutions, and societal apathy in general would influence Wendy's access to security and her exit options, and so would other gendered structural-economic factors. The various dire outcomes of VAW such as homelessness, hospitalisation, death, would also all involve a wide set of factors, agents and actions. There may be indifferent or resource-stretched police officers; indifferent, inadequate or inaccessible health services; a flawed justice system that does not adequately respond to VAW; employers firing Wendy because of how the abuse affected her looks and her ability to work; friends and family who reject Wendy's pleas for help, just to name a few. These do not resemble the factors Young lists in Sandy's case, where everyone is just going about their business, enacting their own projects in a perfectly non-blameworthy, individual interest-maximising way which, when added to others going about their business in the same way, happens to produce dire outcomes.

⁷⁸ One might argue that in fact framing the "pursuit of one's individual interests" even at the cost of evicting someone who then faces homelessness as legitimate exemplifies a morality that expresses capitalist, individualist and selfish norms that are also pervasive and maintained by wide array of actors. That is, framing the eviction as legitimate and morally not objectionable necessitates accepting the dominant capitalist socio-economic order as beyond criticism. For the sake of proceeding with my argument, however, I will not wade into assessing this objection, but will carry on with Young's original idea that supposes that legitimate, non-malicious actions contributing to structural injustice exist, and keep her examples for these.

One might object that gender-socialising children is in fact action similar to what Young describes. However, if together with Mills and the feminists discussed in earlier chapters, we recognise that gender is inherently hierarchical, and that in fact, underlying the “innocent” ways in which children are conditioned in gender-socialisation are gender-hierarchical meanings, this is hardly the case – as I will argue further in sections 3 and 4 of this chapter.

The Andy-Wendy and the Sandy cases are different because even though all are just going about their everyday business, unlike in Sandy’s case, the reasons for other agents’ conduct influencing Andy and Wendy prior to the violence, and the reason for their conduct in relation to Wendy’s situation once she is a victim, are qualitatively related to the reason for Andy’s conduct – namely, gender, and the normalisation of VAW owing to the norm of gender, the power-relations between the sexes. Just like Andy is different from the first landlord setting Sandy’s potential homelessness into motion (the latter simply wanted to convert his property), the multitude of actors and their actions in Wendy and Andy’s case are different from the multitude of actors participating in a society in which many face housing insecurity, because in the Andy-Wendy case, neither Andy’s conduct nor anyone else’s is a case of simply pursuing legitimate personal projects. I aim to capture this difference in more detail in the next section.

Parekh (2011; 2012) asserts that Young’s framework is designed to address cases in which inequality and injustice are the norm, a part of background conditions, rather than deviations from the norm. It is in this sense a strictly “non-ideal” theory. Young’s approach is thus, supposedly, capable of addressing the issue of normalisation explained in previous chapters (see especially chapter 4). VAW is normalised, and blame/culpability is hard to establish if, due to this normalisation, the agents involved “don’t know any better”, so to speak. The agents Pogge is primarily concerned with are aware of their power and the effects of their actions, and are pursuing their self-interest despite the predictably harmful effects of doing so, hence applying a Poggean theory to gender-based VAW does not seem useful for addressing this issue. He is also not too interested in cumulative actions that maintain unjust structures by propagating norms related to or partially constituting them. For instance, in exploring the case of non-slave-owning citizens in North America, he attributes responsibility by virtue of their compliance with unjust laws (e.g. regarding fugitives), paying taxes, and profiting from the

accessibility of cheap products available owing to slave labour (similarly to today's sweatshop case) (Pogge, 2005). He recognises that Black people as a group had "inferior legal status" (Pogge, 2005, p.58), but perhaps owing to his rigid definition of what counts as institution/structure or institutional/structural, he does not mention as structurally relevant contributions the acts of maintaining prejudices against Black people or the acts of contributing to a racist social atmosphere that declares Blacks (not only legally) inferior, permissible to enslave.

While one might assert that normalisation detracts from persons' responsibility, as they are unaware of their actions' cumulative and harmful effects, this still leaves those who could reasonably know of, but choose to ignore their contribution to injustice and its outcomes, and these agents might even be blameworthy. To give an example, men who joke about rape but are familiar with the criticism of this habit are, arguably, blameworthy in maintaining the hierarchy of gender and the atmosphere of normalised VAW – even if they are not the only participants in this. In Young's account, such individuals are not blameworthy, but "criticisable" for failing to take up their responsibility to work for a less unjust state of affairs, and we ought to "hold [them] to account [...] without attributing malevolent intent to, or hurting, the persons we criticize" (Young, 2011, p.165). The reason for this is that Young is focused on persons pursuing legitimate personal projects, of which telling rape jokes, for instance, may not be the best example. Young rejects "singling out" (identifying) blameworthy agents on pragmatic grounds as well as by arguing that no individual's action is in itself enough to cause structural injustice. In section 4 I will argue that Young's model is better suited than Pogge's to addressing *some* individual agents' involvement in unjust structures, where indeed we cannot assign blame, while there are others that we should consider blameworthy without detracting from the political responsibility of others. I will distinguish participants based on whether or not they are aware of the problematic nature of their conduct, and based on the nature of their intentions. The objection on the basis of knowledge and intentionality (i.e. that blameworthiness cannot be established if people are unaware of their actions' and behaviours' wrongness and/or harmful results) also has limits, especially in the case of interactional moral wrongs. If a husband in a strongly norm-enforcing setting, where VAW is fully normalised, believes it is only right for him to beat his wife, and that his wife even benefits from this, we would still hold him blameworthy even

though he “doesn’t know any better”. The same would go for a rapist who believes that his victim, deep down, “wants it”.

Young consciously aims to devise a theory in which the state’s role to counter injustice is not emphasised (Young, 2011, p.176). First, we cannot expect states, agents with coercive power that are often unjust to act justly by their own accord (hence the collective responsibility to pressure them, to make them useful tools of change). Second, Young finds that an emphasis on states often eclipses scrutiny on individual agents’ and collective (civil) responsibility. Her account could be dubbed the philosophy of activism. Even in the face of these points, however, I maintain that states’ and national and international institutions’ coercive capacity and states’ special duty to ensure the security of their citizens, states’ monopoly on legitimate violence, warrants that we hold states highly responsible when they coercively impose rules and policies which provide unjust background conditions (even if individuals also provide part of those conditions). That states often act unjustly does not make moot the point that because of their coercive power, this is especially wrong (or against their duties).

Serena Parekh, who wrote extensively on conceptualising VAW as a human rights violation or as persecution based on gender (for the purposes of gender-based asylum) (2007; 2011; 2012; Libal and Parekh, 2009), builds some of her recent work on developing Young’s concept of structural justice to address and describe gender-based VAW in a way that attaches more importance to states as agents (Parekh, 2011; 2012). The way that Parekh (2011) uses Young’s account of structural justice builds on a perception of women’s human rights as “sex-inequality violations” (Edwards, 2011, p.147). States ought to address VAW as matter of working towards a just state of affairs, for which addressing existing gender inequality is necessary. States, according to Parekh, have the same kind of political responsibility as individuals have in Young’s account – and in fact, owing to their heightened capacity, should be very much considered agents that hold part of the collective responsibility. Remember that in Young’s account, characteristics such as position of power or collective ability serve to increase an agent’s responsibilities. Parekh argues that since states can do much with all the power and infrastructure they have, and are capable of carrying out the tasks entailed in exercising collective responsibility, they should take up their part in working towards justice. In her words:

[S]tates can discharge the three obligations that political responsibility entails (the obligations to learn about our role in structural injustice, to change processes so that they are less unjust in the future, and to act collectively); in fact, they are able to do so in a more systematic way than individuals can because states have a unique and privileged position vis-à-vis unjust social structures. (Parekh, 2011, p.683)

Parekh also holds that “states may be responsible for directly causing violence against women through their policies and practices” but based on Young’s distinctions between liability and political responsibility she finds that in such cases “these ascriptions of responsibility can be accounted for with the traditional models of fault and liability” (Parekh, 2011, p.683). This means that what I have called “abuser states” should be held accountable according to traditional liability models. Parekh’s argument is essentially that (in the case when the state is not directly involved) states can do more, so they should take a large part in discharging collective responsibility.

While Parekh’s proposal is to some degree appealing, there is still the issue that if we recognise that “states can be held responsible for changing the norms and background conditions that reinforce women’s inferiority” (Parekh, 2011, p.684), we ought to also recognise that they currently actively go against this role by coercively imposing policies that reinforce this background. Unlike Young, I find that states’ role in perpetuating injustice does not mean that we should abandon holding states to account as agents with special responsibilities – just like Young does not abandon the project of identifying individuals’ responsibilities and arguing for them despite individuals’ participation in maintaining unjust structures. Note, however, that individuals cannot coercively impose policies; their responsibility in upholding and ameliorating injustice is different from that of agents who have the power to coercively impose institutions and policies that contribute largely to upholding injustice. (This includes not only states, but also other national and international official actors with coercive power, typically derived from/legitimised by states.) Hence, I disagree with both Young, who sees the potential role of states primarily as tools to exercise collective responsibility (through public pressure) and Parekh, who sees states’ potentially special role as important bearers of collective responsibility by virtue of having more power. In contrast, informed by a Poggean approach, I propose that states have an obligation to reform policies and institutions in a non-gender-upholding way, in a way that ameliorates gender injustice that is

the root of VAW. This stems from a negative duty, for as long as they impose policies and institutions that contribute to upholding gender and gender injustice, they coercively impose institutions and policies that result in harm.

Parekh's approach also brings into view a general challenge to Young's account. Young emphasises that by assigning no blame but a responsibility to work towards justice, her approach is "forward looking" as opposed to "backwards looking". Nussbaum (2011, p.xxi) raises the issue that even if we do not look backwards *now*, but assign responsibility for the future, since time passes, there will eventually be responsibilities not taken up, not discharged. If we assign no importance to this failure (which requires "looking back"), there is not much point in asserting that the responsibility exists. Nussbaum finds that at some point in time, if responsibilities Young identifies are not taken up, Young will have to say that agents did something wrong, making Young's emphasis on the distinction between liability-accounts and her account on political responsibility questionable. Even if we consider unintentional failures to discharge political responsibility, this would qualify as "culpable negligence" if we take collective responsibility seriously (Nussbaum 2011, p.xxi).

The challenge articulated by Nussbaum relates to my point on states in that if we follow Parekh's revision to Young, holding states politically responsible in working for a just state of affairs, but see that states in fact are not taking up an injustice-ameliorating responsibility – on the contrary, they continually contribute to producing and reproducing the unjust gendered structures resulting in VAW – it is hard to avoid asserting that they are culpable.

While the insistence on denying culpability may not be sustainable, Young's distinction between political responsibility and moral and legal guilt (liability) might be useful in mapping out the different kinds of wrongs in various kinds of actors' conduct within upholding structural injustice, and the corresponding kinds of duties and responsibilities. Even though it may sometimes seem that Young finds the simultaneous ascription of moral guilt and liability and collective political responsibility impossible on the grounds that if we have identified someone we can hold causally directly liable (culpable, blameworthy) we have to deny others' contribution, this might not necessarily be the case. In some injustices, background conditions in which some persons can be directly morally responsible and liable for wrongs are maintained by the actions of a multitude of

actors who are nonetheless responsible. Young, drawing on Arendt (1963; 1987; 1994) to establish her account on collective political responsibility recognises this when analysing Arendt's focal example, Nazi Germany. Young finds that while Nazi officials were morally and legally guilty, contemporary Germans also had a collective responsibility (Young, 2011, pp.81-84).

This section argued that while neither Pogge's nor Young's account can be directly reinterpreted in terms of gender and VAW, both models can have useful imports to conceptualizing VAW as a matter for global (social) justice. Pogge's account was found useful for conceptualizing the responsibility of states and institutions with power to impose policies, while Young's account may be useful for identifying individual responsibilities. Young's definition of what constitutes the structure and what institutions and structure-upholding and participating acts are relevant was found more apt to describe the pervasive gendered background conditions from which VAW stems, while Pogge's theory was found too restrictive and simplifying for this purpose. At the same time, Pogge's institutional conception of human rights proved useful in formulating the role of states and formal institutions in VAW and its root-causes as a matter of human rights. Building on these insights, sections 4, 5 and 6 attempt to sketch a typology of agents and responsibilities to address VAW as an outcome of global injustice.

7.3. Inherently unjust social categories and the "content problem"

As argued in earlier chapters, the issue with gender is not merely that there are two categories of people (men and women) between which there is inequality, or that members of one group are likely to access fewer opportunities and typically experience unequal treatment relative to members of the other group (other characteristics of the individuals compared being equal). Rather, the issue is that the definition of the groups concerned inherently includes unequal power-relations and different moral worth and standing according to which one is to dominate and is more important than the other. As Mills (2010) asserts, gender and race are ultimately about the higher and lesser moral standing assigned to people on the basis of socially constructed racial and gender categories in the real, non-ideal world, and the existence and the definition of these categories is inherently hierarchical and unjust. On this understanding, rather than perceiving racial and

gender inequality and injustice as racist discrimination being based on (independently existing, factual, politically neutral) racial categories and sexist discrimination being based on (independently existing, factual, politically neutral) gender categories, we ought to recognise that it is racism that creates race, and sexism that creates gender. This is why we might think about gender and race as “institutions”. Race and gender categories would not exist if it were not for racism and sexism establishing (or instituting, institutionalising) hierarchical categories assigning social and political relevance to otherwise not so relevant characteristics such as skin colour or ethnicity and sex (reproductive function).⁷⁹

The expression “racialised peoples” captures this well: a racialised group is a group of people that are singled out as Other. They are racialised (made racial), Othered, by their selection as different and inferior to the non-racialised, standard-kind-of-people (typically white people, or the dominant ethnicity in the given context). Note that, as mentioned earlier, race in this sense is more varied than gender: different kinds of people may be racialised in different contexts depending on the narrative and local history of power-relations, while gender asserts women (persons with a female reproductive function) as the Other (Beauvoir, 1972) in every context.⁸⁰ While the expression “gendered”, which could be the equivalent of “racialised” in sex-based categorisation is not used to describe the same process as racialisation, it could easily be understood in a similar fashion. When we speak of gendered processes and practices (such as gendered division of labour, gendered language, gendered use of space) or the gendered-ness of institutions or institutional structures (such as the gendered aspects of laws or the labour market) we aim to describe the ways in which the processes, practices and institutions in question

⁷⁹ As reproductive function is a highly relevant difference (unlike pigmentation), one could argue that it might not be possible to avoid creating social categories based on sex (Jensen, 2017). However, even though women’s reproductive function is qualitatively linked to the forms of gender injustice, it might also be possible to imagine social categories based on reproductive function that have less meaning, that are not hierarchical and do not assign different moral worth to the categories.

⁸⁰ Queer-feminist theoretical approaches that perceive of gender as innocuous difference or as identity would disagree that there are two genders based on two sexes, and would challenge the condemnation of gender as harmful, proposing instead the reconceptualization of gender (and sex) or the “deconstruction” of the “gender binary” so that gender denotes a wide array of categories with different combinations, variations and shades ranging between the masculine and the feminine, into which people can place themselves according to how they identify (Betcher, 2014). Gendered behaviour and clothing, in this view, are a matter of self-expression, and are apolitical in the sense that they are about individuals’ preferences and self-perceptions, not about social hierarchy and categories imposed upon the individual, relevant interactionally (i.e. whether the person is treated in society as a man/woman). Submerging into the contentious debates within feminism and between feminist and queer theory is beyond the scope of this thesis.

unjustly differentiate between people in accordance with norms, stereotypes and expectations derived from the hierarchical construction of gender that others women, simultaneously also serving to uphold and reinforce those norms, stereotypes and expectations.

The inherently hierarchical nature of gender can be broken down into different indicators, as illustrated by the notions chapter 3 listed as “root causes” and “risk factors” in VAW. Examples of such components making up gender include “hierarchical notions of masculinity and femininity”, “social norms supportive of male superiority and sexual entitlement, and women’s inferiority and sexual submissiveness”, “hyper-masculinity” and “patriarchal relationships” (Harvey et al., 2007, p.36-37). These also emerged as themes underlying gender-based VAW in chapter 2 (see 2.4).

As the CEDAW convention articulates, gender injustice is based on “the idea of the inferiority or the superiority of either of the sexes” and the corresponding “stereotyped roles for men and women” (CEDAW, 1979, art. 5). In order to provide a normative justification for the CEDAW convention and women’s human rights, Parekh (2011; 2012) proposes the use of Young’s framework, though as mentioned before, she proposes to do this in a way that assigns a larger role to states as agents responsible for change than Young’s original approach suggests. Parekh, recognising that the inequality between men and women is not a matter of simple inequality but is predicated on gender hierarchy, asserts that:

As article 5 [of the convention] implies, changes in law and policy alone are not sufficient to address the core of women’s inequality with men. Rather, states must address the root cause of violence and discrimination against women: *the beliefs, customs, and attitudes that reinforce women’s inferiority*. (Parekh, 2011, p.675, ea.)

Taking this assertion seriously means that there is an issue not only with how institutions, social practices and processes are arranged, but what I would call the “content” expressed in that arrangement, informing the unjust arrangement. That is, gender injustice is not the unfortunate outcome of neutral processes and aggregated, individually legitimate actions that end up causing inequality between persons in the same way that structural injustice in Young’s paradigmatic example does. It is also not the case that there is simply no regard for gender, which leaves existing disparities between men and women uncorrected. Rather, gender — which is by definition hierarchical and hence unjust — permeates structural, institutional

and social arrangements and hence, existing disparities and the resulting suffering are continually upheld and actively maintained. States, of course (along with other social and political agents, including individuals), also partake in this, their responsibility heightened by their power to coerce.

While Parekh's (2011; 2012) assertion that the state must address gendered root-causes resulting in VAW as a matter of ameliorating structural injustice is relevant, I would take her argument one step further, adding the recognition that the state, its institutions, and international institutions in which states participate and which derive legitimacy from states, themselves also act on beliefs, customs and attitudes that reinforce women's inferiority and men's superiority, as asserted in chapters 3 and 5. This is what I call the "content problem". For instance, gender and hence the root-cause of VAW is upheld not merely by a particular configuration in educational policy and how educational institutions work (e.g. whether there are uniforms or not, or whether there is a national curriculum), but by the *gendered normative content* informing and permeating education and policy, (e.g. whether girls and boys are required to wear different uniforms and what those uniforms are, or whether the core curriculum contains and reinforces gendered norms).

The content-issue is not addressed by Young's theory, even though Young mentions two points which might be relevant to it: one regarding Sandy's example and one regarding beliefs. In the previous chapter, I noted that Young imagines an altered scenario in which Sandy is turned away by a landlord owing to the fact that she is a single mother — he worries that she is thus an unreliable tenant (might not earn enough money) (Young, 2011, p.71). Young asserts that this discrimination has a basis in systemic wrongs in that there is "a socially reinforced and widely shared prejudice that a "proper" family should be headed by a man, and [there are] labor market processes that crowd nonprofessional women into a relatively small number of low-paying occupations" (Young, 2011, p.71). Referring back to Okin (1989, also see chapters 3-5), I would add that such processes, where they exist, exist because the labour market and labour policies were designed with the married male breadwinner in mind, who has no other, unpaid tasks outside of the workplace, because his wife will take care of these. That is, such processes do not simply happen to produce a crowding of women like Sandy in low-paying occupations, signalling a flawed system. Rather, they have a gendered basis: they are created and designed in a gendered way, in a way that is modelled on the idea of male-headed

households and (often economically dependent) women performing unpaid care work. In other words, there is a *gendered normative content* informing and permeating labour policy and practice.

Another point by Young, which is worth considering with a view on the content problem, is her assertion that “beliefs” are also part of the social structure and hence, if they have unjust outcomes when joined by other factors, can also be sources of injustice. However, as Young does not focus on group-based inequalities in her theory of structural injustice, she does not perceive inequality as *inherent* in the very existence and definition of the social categories between which there is inequality. For Young, beliefs concerning given categories or persons in particular positions (such as the ways in which workers in the garment industry are encouraged to think of themselves) can contribute to unjust structural outcomes, but the categorisation itself is not on the basis of injustice-producing hierarchical concepts and norms, nor is it itself part of the unjust structure. Beliefs are relevant in the case of VAW, because VAW is rooted in gender and beliefs regarding VAW (and automatically, this means also beliefs regarding gender) inform the way people and states treat VAW. Beliefs regarding gender are used to legitimise the hierarchy between the sexes, and by extension, VAW – this is also illustrated by the beliefs noted as “risk factors” above.

In relation to the content problem, let me return in more detail to responding to the potential objection that actions by parents, teachers or other people coming in contact with children during the gender-socialisation of children are akin to the in-itself harmless, legitimate self-interest-pursuing actions Young speaks of. One might say that there is no harm in dressing little girls up as princesses and having them take ballet lessons, while dressing boys up as superheroes and having them take up combat sports; or have girls cook with mom and meanwhile have boys hang out with dad. And taken out of context, in themselves each instance of these practices might not be individually problematic or in itself consequential. These gender-socialising elements in children’s lives, however, are cumulatively highly influential in conditioning children to gender as hierarchy, and in the wider context, these practices are not without underlying hierarchical meanings. Through a steady flow of fairy tales and bedtime stories in which incapable princesses are rescued by capable princes and stories and curricula with few and weak female characters and numerous and strong male characters children internalise hierarchical messages

about people belonging to their own sex and people belonging to the other sex. There are similar contextual meanings to the various stereotypical activities and role-examples to which parents and other carers and educators encourage and discourage male and female children. Thus, through the mutually reinforcing content in various different spheres of their lives, children learn and incorporate hierarchical notions about the sexes, and male and female children are socialised to believe different things about their own self-worth, capacities, potential, and place in the world according to their sex. This, again, points to what I termed the “content problem”; that actions, processes and institutional arrangements that cumulatively produce inequality between women and men are not an unfortunate convergence of otherwise neutral factors, but are each similarly gendered, are loaded with the hierarchical “content” of gender. This is a stronger “social connection” than what Young’s (2011) description of her social connection model covers.

Pogge comes even less close to addressing the “content issue” than Young does, despite the fact that — as Mills (2010) points out — the global economic inequalities Pogge is concerned with are deeply intertwined with racial injustice and the inherently hierarchical character of race (see chapters 4 and 6). Nevertheless, the way in which Pogge describes the relationship between poorer states in the global South and richer states in the global North, regions that were colonised and regions that were colonisers – even though his description is simplified and vulnerable to criticism – at least invokes a sense of (post)colonial power relations as they function in the real world. The categories Pogge uses exist because of historical and present *power-relations*. It might be that his criticism of the coercive imposition of institutions by rich states of the global North on poor states of the global South is so appealing in part exactly because the categories of “global South” and “global North” as we use them automatically alludes to historical and racial power-relations. By virtue of emphasising power as a key part of his theory, Pogge’s approach still does contain something relevant to the “content issue”, since that issue includes the unjust feature that the gendered “content” or notions informing actions and policies consists in power-relations (a hierarchy) between the sexes.

Just to clarify, by highlighting what I have here called the content problem, I do not mean to say that gender injustice (gender) and by extension, VAW, is motivated by or consists of only ideology and beliefs that people hold and that states

and policies also mirror. Male-centeredness, male supremacy (see also chapter 5), gendered ideology and beliefs are used to legitimise the very tangible, *material* expressions of the power-relations between the sexes which they promote. The main point I tried to make with raising the content problem is to highlight that factors that accumulate to uphold gender and hence gender injustice, and consequently to produce VAW are not incidentally aligned, but are themselves based upon and permeated by the same notions that they produce. I now turn to lay out a framework to map agents' relevant characteristics and identify duties and responsibilities in a way that keeps cumulative causes and the "content problem" in mind.

7.4. The characteristics of actions and agents for allocating responsibility

Drawing on the earlier discussion, I find that there are two sets of characteristics that one ought to examine in order to map the various types of agents that may be held in some way responsible for VAW as a global injustice, and to suggest types of responsibility corresponding to them. The first is based on the distinctions in chapter 3 regarding the different levels of what public health literature calls primary, secondary and tertiary prevention, and what we might call the different stages of causation in VAW. Second, there is a fairly straightforward list of questions regarding an agent's actions and status that we ought to respond in order to identify its/his/her responsibilities/duties, which I take from the political philosophy literature and which also emerge from Pogge's and Young's arguments. As explained in chapter 3.2, primary prevention means identifying and addressing root-causes – in our case, that would be gender (understood as the hierarchical social categorisation of people belonging to the two sexes, and the norms or "content" on this basis). Secondary prevention aims to spot developing precarious situations signalling oncoming harm and address these. Finally, tertiary prevention concerns responding to harm and mitigating its effects once it is already evident (Harvey et al., 2007; Wolfe and Jaffe, 1999). These may be "understood along a continuum of possible harm" as follows:

- (1) primary prevention to reduce the incidence of the problem before it occurs;
- (2) secondary prevention to decrease the prevalence after early signs of the problem;
- and (3) tertiary prevention to intervene once the problem is already clearly evident

and causing harm (Wolfe and Jaffe, 1999, p.133).

The first is to reduce the incidence of harm in general, the second is to decrease the occurrence of harm once its likelihood is evident in the case of particular persons, and the third responds to past or on-going harm in the case of particular persons.

Reframing these distinctions from the language of prevention to that of causation, the three levels of prevention can be understood as three types of causation and three ways in which agents may become responsible for harmful results. On the primary level are root-causes that result in the general existence of a type of harm, threat, suffering or insecurity. Here, agents concerned have some kind of a responsibility by virtue of participating in upholding these root causes. This thesis focuses on this level, providing the background conditions and structural causes reproducing VAW and women's insecurity as a social wrong. On the secondary level are still indirect causes, but ones more directly related to the harmful outcome than root-causes. Here, agents concerned have some kind of a responsibility because there are evident signals that harm is likely to occur, or they participate in causing (likely) harm in some way more direct than on the primary level. And on the tertiary level are direct causes. Here, agents concerned have some kind of a responsibility because they have been or are perpetrating harm directly, or because they are implied in a situation where harm already has been or is being perpetrated. These distinctions will help map the different kinds of responsibility or duty different types of agents have in relation to VAW.

Given the mutually reinforcing nature of the incidence of VAW and the root-cause of VAW, agents responsible in some way on the secondary and tertiary levels are responsible also on the primary level. While I do consider individual responsibility for direct action and inaction on the tertiary and secondary levels, my analysis focuses on the primary level of causation, the various ways in which agents participate in upholding and perpetuating the "background conditions" or structural causes that provide the root-cause of VAW, and the potential models of duty/responsibility corresponding to them.

The other framework that will help identify different agents' responsibilities and duties is examining the following characteristics: (1) the causal role of the agent in question, also considering the stage of causality as expressed in the first framework; (2) the agent's power to exercise coercion (relevant particularly in the distinction between individual and official, state or states-related agents); (3) the

reasonable expectations we can have towards the agent to be aware of its/his/her actions' effects (including cumulative effects); and, related to the previous point (4) the agent's intentions. Table 7.2 below maps these factors regarding various actors and ways of involvement. With the help of the above two frameworks, and building on Young's and Pogge's work regarding different types of actors and responsibilities/duties, I attempt to sketch a typology of different types of participants in the reproduction and incidence of gender and VAW, and identify the different types of duty/responsibility corresponding to them. As I will show, in the case of gender-upholding individual actors, their position in the gender hierarchy (i.e. whether they are men or women) is also relevant in scrutinising their responsibility.

Table 2 Framework to assess agents' responsibilities/duties

Actor	Stage of causal involvement	Entitled to exercise coercion	Reasonably expectable knowledge of effects	Intentions
Direct perpetrator of VAW	Tertiary, primary	No	Yes	Malicious ⁸¹
By-standers in VAW (non-officials)	Tertiary, primary	No	Yes	Not necessarily malicious
By-standers in VAW (officials)	Tertiary, secondary, primary	Yes	Yes	Irrelevant
VAW-apologists/misogynists/sexists/discriminators	Secondary, primary, potentially tertiary	No	Yes	Malicious
Individual participants in upholding gender	Primary	No / Yes (parents)	No	Not necessarily malicious
National and international collective actors not deriving legitimacy from states, participating in upholding gender (e.g. churches, religious, sporting and other non-governmental organisations, corporations)	Primary, potentially secondary and tertiary	No / Yes (if high lobbying power, influence on policy)	Yes / No (case-dependent)	Not necessarily malicious
States and international bodies and institutions deriving legitimacy and power from states	Primary, secondary, tertiary	Yes	Yes	Irrelevant

⁸¹ I ought to note that there might be exceptions to this. One could argue that female family members, for instance, when they perform FGM on a girl child, might do this with the intention to ensure that she can find a husband and thus, will not be ostracized and will have better life chances.

7.5 Individual actors involved on the tertiary and secondary levels

This section considers four types of conduct on the part of individual actors taking place on the tertiary and secondary levels of VAW and its production. Both Young and Pogge describe various ways in which individuals (and collective, but not official agents such as corporations and factories) can be involved in producing unjust outcomes. Both talk about direct as well as indirect involvement in harm-causation, the first signifying liability according to Young and interactional wrongs in Pogge's vocabulary, the second collective responsibility for Young and negative duties not adhered to in Pogge's terminology. Direct harm-causation can be tied to individual as well as various kinds of collective agents (such as guerrilla groups and their members, or polluting or exploitative factories and their owners and supervisors) according to both theorists. Here, I examine four distinct ways in which individual agents might be directly responsible: perpetrators, by-standers without official power to intervene, by-standers with official power to intervene, and promoters of VAW and women's inferiority to men (VAW-apologists/misogynists/sexists/discriminators). Let me reiterate again that in the phenomenon of VAW, individual interactions/direct wrongs relate to the structural wrong; that is, the (direct) individual wrong at the same time contributes to and shares qualities and "content" with the (indirect) structural wrong.

In the case of direct perpetrators, their responsibility on the tertiary level in causing VAW is quite straightforward. They violate the general enforceable negative duty not to harm another person, are directly liable for harm (in Young's terminology) and violate human rights under an interactional understanding (in Pogge's). The perpetrator's action in harming another human is morally wrong, but according to Pogge and Young, not necessarily a matter of justice. It seems to me that the best way to conceptualise perpetrators' actions towards their victims is through the by now long-standing argument by the "women's rights are human rights" movement, which argues that since the personal is political, we ought to recognise individual perpetrators' action as not only interactional violence in the same way as any interpersonal violence, but as political violence. This is the same difference as exists between hate crime and other violent crime.

I ought to note also that individuals perpetrating VAW directly have an effect not only on their victim, but also on other women's sense of security and

other (potential) perpetrators' sense of entitlement to exercise violence against women. As one Hungarian activist slogan puts it: "men who abuse and rape women are the fists of patriarchy", that is, they ensure the upholding of patriarchy, and thus the root-cause of further violence, through their use of physical violence. Pogge's account does not address in depth the role of particular directly harming actors (such as particularly vicious, polluting and exploitative companies) in indirectly upholding unjust, suffering-producing structures. Young suggests that in matters of structural injustice, we ought to move away from liability-approaches and towards collective responsibility. She does not deny that persons may be liable; she just finds it more useful to emphasise the accumulated effects of various actions by indirectly involved persons, as she holds that emphasising liability may lead to absolving other responsible agents. Within the liability model, Young distinguishes fault liability, when the agent causes harm voluntarily, and strict liability that applies "even if the individual did not intend the harm or if her actions only indirectly contributed to the harmful outcome" (Parekh, 2011, p.678). Her model of political responsibility is a proposal to replace particularly the second type of the liability approach. A direct perpetrator of VAW falls into the first category in relation to his particular victim, but falls in the second category in that he indirectly contributes to the harmful outcome of (1) upholding gender as hierarchy and (2) other VAW not directly perpetrated by him. Because there is a feedback loop between VAW and the gender-unjust structure, — VAW reinforces that structure —, the perpetrator is also responsible indirectly for future violence that is the outcome of that structure. Though perpetrators' actions are added to those of other perpetrators and the individual actions and participation of non-perpetrators, they can hardly fit Young's model of responsibility in which agents merely pursue legitimate projects of self-interest. Hence, I consider Young's proposal to move from liability approaches towards a "forward-looking" approach of collective responsibility unsuitable in the case of direct perpetrators, and suggest that they are blameworthy and liable in both in the sense of fault liability and strict liability (on the tertiary level), and are also politically responsible for the impact of their actions in upholding structural injustice (on the primary level). They are also often overtly misogynistic and sexist, leading us to the second type of individual involvement.

VAW apologists, misogynists, sexists and discriminators might be perpetrators, non-perpetrators with a direct involvement in a case of VAW, and

persons that are not necessarily involved on a tertiary level, but actively and openly participate in the normalisation or promotion of VAW and/or that explicitly endorse men's superiority and women's inferiority. By "VAW-apologists", I mean bystanders that witness VAW idly not out of fear, but because they find the violence acceptable or endorse it, and directly involved non-perpetrators such as family members becoming accessories of abuse (by disbelieving the victim, withdrawing support and supporting the perpetrator, etc.). By misogynists/sexists/discriminators, I mean individuals that openly promote VAW, the inferiority of women, and the superiority of men. Examples include fathers teaching their male children that beating or raping women is acceptable; fraternity members chanting slogans such as "no means yes, yes means anal"; pornography producers; or media moguls and journalists blatantly normalising VAW and/or promoting the idea that women are inferior.

Such individuals might play a very important role in influencing individual perpetrators in a direct and interactional way (in the effect it has on the would-be perpetrator or ongoing abuse). When their actions affect causation on the secondary and the tertiary levels, this is akin in causal role and type of responsibility to incitement in hate crimes. Hence, such actors may be culpably responsible (liable) for a given wrong in producing VAW even if they are not the direct perpetrator and even if they are not exclusively responsible. On the primary level of causation, where their action is akin to hate speech, they are also clearly and strongly contributing to maintaining the background conditions that constitute the root-cause of VAW, and cannot credibly plead that they mean no harm by their promotion of VAW and women's subjugation, nor can we say that they are pursuing legitimate projects of maximising self-interest. Of course, the action and type of participation of persons in this category itself also emerges as a consequence of structural injustice produced by more participants, illustrating again the feedback-loop between the various levels of causation in VAW that exists owing in part to what I have called the "content problem", and to the pervasiveness of (unjust) gender and VAW-normalisation.

While Young, when considering the case of the discriminating landlord that rejects Sandy because she is a single mother, recognises the discriminating landlord's actions as morally wrong and one also informed by unjust background conditions, she is still against a liability-model understanding of his responsibility,

because there are still many more agents responsible for Sandy's near-homelessness, who would be "absolved" of responsibility if we singled out the discriminating landlord who in himself would not be enough to cause housing insecurity for Sandy. Contrary to Young, in this typology of responsibilities, I suggest that if we do not want to deny or minimise the role of everyone implied in the causal chain of VAW, and we also do not want to blur the differences between the types of involvement, we can simultaneously identify directly liable, indirectly liable, and collectively responsible agents in the case of pervasive injustices that share a "content" — such as the injustice of VAW and gender.

I will now consider the causal role and responsibility of bystanders that are aware of an on-going occurrence of VAW (playing a role on the tertiary level). Such individuals are in direct contact with the perpetrator and/or the victim (members of the family or community, neighbours, passers-by, friends at the house party where a rape is occurring, etc.) and/or are individuals that represent the state in some way and who are aware of a particular ongoing case of VAW (state-funded healthcare providers, police officers, judges and judicial experts and other legal professionals who might be involved in adjudication in on-going situations of risk).

In the case of non-official individuals that fail to intervene, fail to assist the victim, we also ought to consider that they might put their own security at risk by confronting the perpetrator or offering assistance to the victim. While it is morally wrong to ignore another person's suffering, bystander responsibility is mitigated by the risk she/he would face if she/he would act morally. Such individuals are not blameworthy, and can be said to pursue self-interest in a legitimate way, even if this might converge with others' similar inaction, resulting in continued abuse, rape or other VAW. In case the motivation for inaction in the face of known VAW is not reasonable fear, but indifference or approval towards VAW, the person falls into the category of VAW-apologists discussed above.⁸²

⁸² There might be other reasons in various situational contexts why a by-stander does not intervene, (besides fear/risk and indifference/VAW-apologism), which might excuse the by-stander from the responsibility to intervene. I cannot provide an exhaustive overview of potential reasons (and what these might mean in terms of culpability/responsibility) for spatial constraints, but to highlight one example: women who have themselves experienced assault/abuse might find it psychologically difficult to challenge behaviours, even if doing so in the particular situation does not represent a physical risk for themselves. Such by-standers, even though their awareness of the long-lasting effects of assault/abuse might give them good reason to intervene, cannot be held accountable if they fail to do so.

In the case of individuals who are aware of an ongoing (or past) case of VAW in their capacity as agents of state or international bodies (such as UN personnel with authority on the ground), their status heightens their responsibility in such a way that in case they fail to intervene and ensure effective assistance to the victim so that she is no longer at risk, they fail to fulfil a duty. In this case — drawing on Pogge — such agents' exclusive right to use legitimate force and coercion, coupled with their duty to, in exchange, ensure that force and coercion is not used illegitimately by subjects against one another, results in a duty to intervene and assist the victim (unlike non-official by-standers). In case they fail in effectively doing so, they are culpable and blameworthy, and violate a special duty. If they enable violence to continue, through – for instance – not providing or enforcing a restraining order, or giving visitation rights to an abusive husband, they also become directly responsible.

Official individual agents' violation of their duties towards a particular victim also has an effect on the secondary and primary levels, on (potential/likely) victims and (potential/likely) perpetrators in general, and on men and women in general. Thereby such individuals are also indirectly responsible for contributing to and maintaining harm-producing unjust structures, despite their awareness of their actions' effects and the power bestowed upon them by their status as representatives of the state and the corresponding special duties. This will be further discussed in section 7.7.

7.6 Individual actors on the primary level: participants in upholding gender

This category encompasses virtually everyone, and takes place on the primary stage of causation. From more overt to more covert ways, most individuals contribute in one way or another to maintaining and reproducing the background conditions resulting in VAW. There is such a multitude of actions through which individual actors participate in upholding gender, through which individuals reinforce and reproduce the hierarchical construction that gives a basis to VAW, that picking examples is a challenge. People partake in activities and exercise behaviours that reinforce gender – for instance, men rate women on the basis of their appearance and desirability and women remove their body and facial hair or use skin whitening products (or perform other practices depending on the local definition of how

women should make themselves acceptable and desirable).⁸³ Individuals gender-socialise their children and enforce gendered expectations on fellow adults by minor and major ways of expressing social approval and disapproval (or even ostracisation). People purchase and create cultural and media products that reinforce gender. People work in places that have a major influence in upholding gender – such as the beauty, apparel or media industries. Individuals have implicit bias, and perform gendered microaggressions⁸⁴. Such actions may occur in no particular capacity, but some are also performed in contexts where the actor is in a special capacity or in a position of relative authority: as parent, teacher, or workplace superior.

Even though the “content” is again the same, which means these actions have a shared quality unlike the neutral actions of pursuing legitimate interests that Young describes, I believe Young’s theory of a forward-looking collective, political responsibility can be useful to conceptualise this type of causal contribution to gender and ultimately, to VAW as a harm rooted in gender. There are various reasons for this. First, blame or culpability cannot be assigned to such a large quantity of persons who contribute in a similar manner. With a view on indirect contributions to harm such as those listed above, a particular actor’s particular action is minuscule and only gains effect once added to the vast number of other similar individual actions.

Second, gender is such a basic part of everyday, normal life that we cannot reasonably expect individuals to be aware of it, and every aspect of it as a social wrong and recognise its harmful effects. While most individuals might concede that VAW is wrong, their reason for this might not be that they recognise VAW as the expression of hierarchy, men’s dominance and superiority over women and the lower moral status women are assigned in a patriarchal world; it might be opposition to violence in general, or benevolently sexist notions. Even if one recognises this relation, one might still hold that gender and gendered practices are

⁸³ I am not saying here that women are culpable for doing so, or that we ought to condemn women who do so; I am merely stating that these practices contribute to upholding gender and as such, they contribute to upholding the structural injustice (including the normative “content”) that results in VAW.

⁸⁴ Recently a whole new vocabulary emerged to name the smaller, but cumulatively influential ways of maintaining and exercising women’s and other groups’ oppression. Microaggressions (off-hand degradations of members of oppressed groups) have three forms: microassaults, microinsults and microinvalidations (Wing Sou et al., 2007). This vocabulary emerged from critical race theory and is not always extended to cover sexist transgressions.

not necessarily a problem, or that there is a value in gender difference, and it does not necessarily imply dominance (see chapter 4.4). The actions I am concerned with here do not qualify as hate crimes against women, incitement for hate crimes against women, hate speech or discrimination against women. Young's theory is devised with precisely the above conditions in mind, where individual actors cannot be necessarily be expected to recognise injustice and their own actions' influence in it: "structural injustice (as understood by Young) is embedded in those background conditions, norms, habits, and everyday interactions that we rarely notice" (Parekh, 2011, p.677).

Third, individuals cannot be held blameworthy in the case of some of these actions by some actors because it is highly costly to not act and behave in gender-upholding ways. Here, I find that we ought to differentiate between men, who ultimately benefit from gender injustice (albeit to various degrees), and women, who are ultimately disadvantaged and put at risk by it, even if they might make smaller short-term gains by adhering to and upholding gender. While men might have a lot to lose if they reject the upholding of gender and related practices, both immediately (e.g. the social cost of judgement from male peers) and on the long run (if men's license to exercise power over women diminishes), this cost to them would be justified as the benefits men enjoy as a consequence of gender are unearned and unjust in the first place. Meanwhile, women's "patriarchal bargains" (Kandiyoti, 1988) in the pursuit of projects of self-interest might be legitimate (e.g. avoid being socially ostracised, or maximising their chances of finding and keeping a job or a partner) even if their conduct contributes to upholding gender and the wider patriarchal structure. Women's typical gender-upholding conduct takes place in the context of constrained choices; what they might lose out on as a consequence of not adhering to gender norms and not upholding those norms can divest them not of unjust advantages, but of opportunities and treatment that they should be entitled to even without such conduct. In this context, individual women cannot be condemned if they do not take up their part in collective responsibility for their "own good" (and the good of women) in ways that would seriously undermine their "own good".

Because of the above reasons, I contend that individuals contributing to upholding gender and thereby participating in the reproduction of gender-based VAW have a political responsibility of a type that Young describes. Upon

recognising their contribution to the unjust structure, they ought to further inform themselves, organise with others to change that structure, but also reflect upon the ways in which they participate and make attempts to lessen their contribution through their everyday actions and interactions with others. Unlearning deeply engrained gender-upholding patterns of action and behaviour is hard, but it seems to me that there is a “forward-looking” responsibility to do so. Asserting culpability and formulating this responsibility as if it were a negative duty (so as not to participate in coercively imposing a structure resulting in mass human rights underfulfilment) would be highly vulnerable to objections on the basis of demandingness (Mieth, 2008; Lichtenberg 2010; Daskal, 2013). The everyday conduct in question here is distinct from open sexism (see the previous section); it is the participation in the general reproduction of the gender-order. The conduct required to refrain from this would itself be demanding, but especially, it would be overly demanding to be construed as a matter of negative duty. These actions also contribute to the unjust structure “more” indirectly than those discussed before (such as actions akin to hate crime, incitement and hate speech) and lack a character of coercion, which makes them quite unfit to be construed as “causing harm” in a blameworthy manner. The duty to refrain from participation would require all individuals to review their entire routine conduct and change it accordingly, while most might not even be aware of the cumulative effect of their particular actions. In short, we can hardly pronounce a negative duty holding everyone culpable who is not thoroughly feminist, leading a fully considered, consistent feminist life – even if cumulatively, un-feminist individual participation contributes to upholding an unjust structure resulting in mass insecurity, grave harm and suffering.

Together with Young, I contend that there are differences among individuals and their political responsibility according to various factors regarding their position in the structural injustice providing the background condition of VAW (see chapter 6.3). Those with more power, and those who benefit from the current structural injustice (in this case, especially men) have a heightened responsibility owing to their (disproportionate, unjustly gained) capacity to influence the structure, and owing to the gains they make from the injustice in question. The coercive imposition of a patriarchal institutional order cannot be as clearly attributed to all of those in the benefitting category, to men as a general group globally, unlike what Pogge’s model suggests in the case of wealthy and

geopolitically and economically powerful Northern states and their citizens. (Indeed, as I mentioned, even his account has been criticised for its simplicity (Steinhoff, 2012).) Yet I must note that those with the most power to influence national and international institutions that coercively impose policies and mechanisms in a top-down manner do tend to be men. For the responsibility of such, official actors, please refer to section 7.7. Women's responsibility is somewhat different, informed more by their affectedness by injustice. Women ought to work towards change because it is in their legitimate interest, and ought to discharge collective responsibility because they are in the epistemic position of knowing most about the effects of this injustice.

There is one group that performs actions of the above sort, however, whose responsibility seems to me more complicated. Parents or legal guardians afforded authority over their children have the power to coerce them, mandated by the state. Gender-socialisation and gendered conditioning in childhood has a crucial role and long-lasting effect in upholding and in reproducing gender from generation to generation, and it is often at least in part coercively imposed (even if at some point children themselves also start to want to participate in gendered activities and develop gendered preferences owing to not only parental regulation but other external influences). Hence, it seems to me that parents and guardians have a different type of responsibility as well, in that they should not use their authority over their children to coercively impose gender-adherence and gendered practices on them. However, the normalised nature of gender as described above, and ignorance regarding the indirect effect that gender-socialisation has in VAW's reproduction also means that we cannot automatically assign blame if a parent enforces gendered activities and behaviours upon their child. Nevertheless, once a parent is aware of the effects of such conduct (including its indirectly harmful effects through upholding an unjust structure as well as its direct effects on their child, especially if the child is female), it seems to me that the parent must take up political responsibility also in a way that they cease to exercise coercive authority to enforce gender upon their children.

7.7 States, national and international collective actors and institutions

As I hope to have shown in chapters 3-5, the structure relevant in matters of justice encompasses more than what Pogge considers part of the global basic structure — that is, more than formal institutions and the processes and mechanisms set up through them by official actors (states and international bodies). With a view on gender and VAW — the first a feature permeating societies on every, formal and informal level both locally/socially and globally/inter-socially, the other an outcome of pervasive gender injustice — it seems to me that Young's broader conception of what we ought to consider part of the structure is more fitting.

Yet, for Young, the all-encompassing nature of unjust structures means that ultimately, the responsible agents are individuals (and all individuals, for everybody participates in unjust structures in an unjust *status quo*). In Young's model the responsibility is such that, since not one agent can be held exclusively liable, it applies only to the future and can be discharged by collective political action aiming for change. Instead, I suggest that according to the various ways in which various types of agents participate in upholding the unjust structure (broadly understood), the background conditions conducive to VAW, there are more types of responsibility/duty at play, and we ought to distinguish additional agents that are not individual actors. Young's model rejects assigning particular responsibility or duty to states and formal institutions legitimised by states, viewing them as but potentially useful tools in the hands of individuals discharging collective responsibility. However, to construct a theory of justice considering VAW as an outcome of gender injustice on the basis of the currently existing real-world conditions requires that we address the role and special character of states and related institutions specifically.

In order to theorise the responsibility of one more set of agents — states and international institutions — added to that of individuals with different roles in VAW and its reproduction — I draw on Pogge's approach. In agreement with Pogge, I contend that states (and official and formal institutions that have power transmitted to them or legitimised by states), as agents that design and enforce policies constituting part of the more widely understood structure, have a special role and corresponding special types of responsibility and duty by virtue of their capacity to impose and coerce. Owing to this capacity and the actual use of this capacity, I find states and state-related agents and institutions relevant not only as highly useful potential tools to discharge collective responsibility by individuals sharing a

political commitment to bringing about justice. Additionally, official agents can be reasonably expected to know about the effects of their actions and participation; not only they are in a good position to acquire information, but we can reasonably expect them to devise and operate institutions, policies and institutional frameworks in an informed way. Many official actors cannot plead ignorance also because they are signatories to, or provably aware of, international conventions and declarations that highlight VAW, its causes, ways to address it and its causes, and expectations from official agents to do so (see chapter 1.4).

States and official and formal national and international institutions and their individual representatives that have power transmitted to them or legitimised by states have a causal role on all three levels described in section 7.4. They play a role on the tertiary level by not effectively protecting victims of VAW, enabling perpetrators to continue harming victims, despite their special duty to ensure the security of those subject to their rule from illegitimate violence on part of other subjects. States play a role on the secondary level when not mitigating the risk of VAW despite known indicators of that risk, for the same reasons that they are responsible for failing on the tertiary level. Through being responsible on the tertiary and secondary levels, they also become responsible on the primary level, owing to the mutually reinforcing nature of VAW and gender, whereby VAW is rooted in gender but the existence and enabling of VAW also reinforces gender and thus, indirectly, contributes to further VAW. They are also responsible on the primary, root level by virtue of maintaining gender, gender hierarchy and gender injustice through the policies they enforce, that is, coercively impose on those over whom they have power. These policies, as I expressed in section 7.3, are characterised by the same problematic “content” that informs overt sexism and VAW. States violate a special and a negative duty, and on the tertiary level, they owe victims of VAW adequate protection and provisions not only because they ought to protect all citizens from one another, but also as a matter of *compensation* for imposing institutions that contribute to upholding the root-cause of VAW.

States’ power to legitimate use of force, their duty to protect citizens from one another and the fact that their current (coercively imposed) policies contribute to VAW by the maintenance of gender together make states and state institutions especially responsible. Rather than imposing policies that reinforce the root-cause of VAW, states have a duty to be feminist and reform their institutions and policies

in such a way that it does not reproduce gender injustice and hence, VAW. International institutions that have power to impose, usually derived or legitimised by some or numerous state actors, are similarly responsible on the primary level and in cases where the likely risk of violence or the actual violence has cross-border aspects, also on the secondary and tertiary levels (again reinforcing the primary level).

One might object using a caveat that Pogge introduces; in order to establish that a negative duty not to cause a massive underfulfilment of human rights has been violated, this underfulfilment has to be preventable and avoidable had the agent concerned refrained from coercively imposing the policies and processes resulting in this suffering. One might say that, since I argued that in global society there are innumerable agents individually and cumulatively contributing to the massive underfulfilment of women's human rights to security, VAW might not be preventable and avoidable if only official actors adhered to their negative duties. This is a similar argument for which Young decides not to single out any agent as especially responsible.

The objection could be responded to in two ways. One, that in the case of actors with coercive power, it does not matter whether the correction of their wrongful, injustice-upholding actions would, only by itself, result in the elimination of the particular kind of suffering and insecurity in question, because they have special duties from which stems an obligation not to enforce policies that contribute to producing suffering and insecurity (even if other agents, and other kinds of agents contribute too). And two, that truthfully we cannot know what would happen if states and international institutions were feminist; their abstinence from enforcing policies that uphold the root-cause of VAW and the fulfilment of their special duties on the secondary and tertiary levels might as well be sufficient to end gender-based VAW, if not immediately, then perhaps in a few generations' time. But even if it would not be sufficient, it is *necessary* that actors with coercive power (simply put) stop enforcing the root-cause of VAW (primary level) and enabling VAW (secondary and tertiary level). Even if individuals attempt to discharge their own responsibilities as laid out above, they could not achieve the elimination of gender injustice and VAW in circumstances when institutions imposed upon them enforce and uphold the hierarchy of gender, fail their duties towards victims and afford impunity to perpetrators.

Pogge names not all states, but only particular states, as culpably responsible in global economic injustice. This is one of the reasons for which he is widely criticised, as mentioned earlier. Critics contend that we cannot single out wealthy Northern states for causing the poverty-related suffering of people in poor Southern states through imposing policies conducive to the underfulfilment of human rights, because Southern states themselves are also responsible for the suffering of their citizens. I find this concern of applying an over-simplifying dualism legitimate. I contend that instead it is more adequate to assert the responsibility of all states, but examine whether any states are *more* responsible than others internationally in the case of gender-based VAW and its root-causes, and what gives rise to such heightened responsibility.

Before discussing this matter, we ought to note that VAW, its causes and its root cause are different from the chain of causation described by Pogge in the case of global economic injustice. People suffering and dying from poverty-related causes – of hunger, thirst and easily curable diseases – are indeed located primarily in the global South. However, women suffering and dying from VAW are spread across the globe, even if there are variations in the numbers and ratios of victims in different countries. States need not be particularly poor to have high numbers of women suffering from VAW. Even though higher GDP or PPP has been linked to more gender equality and some decrease in VAW by some studies, the direction of causation is not necessarily wealth to equality, but possibly the other way around (GEF, 2015). Meanwhile, the wealth of oil-rich countries such as Qatar, Brunei, Kuwait or Saudi Arabia is coupled with strong gender-enforcement and a high prevalence of VAW, and even wealthy states in the global North have as many as one in two women becoming victims of VAW during their lives.⁸⁵

Let me also clarify why I understand international institutions as actors akin to states, with similar duties to refrain from causing harm. International political, legal and monetary institutions are afforded power by states that establish, design, uphold and participate in them. Their legitimacy and authority is derived from states. International institutions are thus empowered to participate in upholding an

⁸⁵ According to the FRA, in Denmark 52%, in Finland 47%, and in Sweden 46% of women report having suffered physical and/or sexual violence during their lives (FRA, 2012). The reasons for such high numbers might be complex – including that states in which there is higher awareness, more women come forward or identify violence as violence (and not a normal way of things).

unjust status quo, resulting in or “root-causing” suffering for those to whom their rule (laws, policies, enforced processes) apply.

I would distinguish four ways in which a state or group of states can have a relatively heightened responsibility on the international level in relation to gender injustice and VAW. First, responsibility on a global level can be heightened by historical injustice by some states against others, with lasting effects still affording benefits for those states that were responsible for the injustice and still weighing on those that were victims of that injustice. For example, colonialism has lasting effects in several countries, and states that imposed colonial rule still benefit from what they extracted from colonised regions. As a matter of compensation and rectification, these states have a heightened responsibility in how they participate in the global order and in international institutions. Colonialism’s lasting effects most directly relevant to the matter at hand include the changes in gender relations in colonised regions to the worse owing to Western influence or imposition (Jaggar, 2014c).

Second, related to this, states with more power in the global institutional order, which are usually also states that are wealthier and have taken part in perpetrating historical injustices, have a negative duty not to impose, through this power, laws, policies and procedures in international institutions that result in suffering for those subjected to these institutions. The global economic institutional order Pogge is concerned with also has a bearing on gender and VAW, as also highlighted in chapter 3. Economic policies prescribed by international monetary institutions typically involve austerity measures that count on women’s unpaid labour and that result in reinforced gendered power-relations, increased economic dependency for women on men, and thus, among other negative effects, decreased exit options from violent relationships. When states more influential in the international arena push such policies through monetary institutions upon other states and their citizens, they violate a negative duty in that they coercively impose conditions that result in (more) VAW.

Third, on the other side of the same coin, it also happens that influential states, with a view on the resources of smaller states, let it slide that a given resource-rich state enforces policies that constitute VAW as coercive control by the state (as defined in chapter 3.5) and employs policies for the explicit purpose of enforcing and upholding the hierarchy between men and women. Even if there are

international conventions and legal frameworks against such conduct, oftentimes reservations towards these codes on the part of some signatories, or conduct that runs explicitly counter to the international standards of minimally decent state conduct, are excused and remain not only without sanction but without any criticism by other states that recognise it, because of resource interests.

There are various theories regarding the norms that states in the international community ought to adhere to, suggesting that when this is not the case, the international community and other states have to take up the duties of those states that fail to adhere. Theories looking for the normative justification of asylum, military intervention and aid in times of crisis identify state failures that justify the shifting of duties from the original state to (potential) receiving state(s), (potential) intervening states or the international community (Nogradi, 2016). For instance, David Owen (2010; 2016) argues that the failure to meet minimal requirements of state legitimacy set by a common international norm that states have to adhere to — including the norm that states' purpose is to ensure their citizens' security — gives rise to duties on part of other states, which can be discharged by granting asylum to the citizens of non-adhering states. Matthew Price (2006; 2009) argues that the failure to recognise certain types of citizens as members of the political community, as "right-bearers", justifies the Geneva Convention's obligations to grant asylum to members of groups persecuted by or in their origin state. Without going into too much detail concerning the possible justifications of asylum, sanctions or even military intervention in the case of states not adhering to international norms setting the basic standards of state legitimacy, it is already evident that the international community and particular states in the international community ought to confront (in one way or another), rather than condone the conduct of states described above (states that target women, a large subset of their subjects, with hierarchy-enforcing, oppressive and violent policies), even if this is contrary to their economic interests.

Fourth, even if a powerful state cannot be accused of using their power to coercively impose international policies and processes that uphold gender injustice, but participates in doing so in unison with less powerful states, it can have a heightened responsibility in a way that Young describes in the case of individuals with particular power and influence. If we take seriously Young's idea that power makes an agent more responsible for ameliorating structural injustices, in a gender-

as-structural-injustice understanding, more powerful states have a heightened responsibility to use that power to reform international institutions to be more conducive to gender justice (with the ultimate objective of eliminating VAW, the outcome of that injustice). If powerful states do so, the aim has to be genuine and they ought to exercise caution, so as not to be faulty of perpetuating a Western “logic of masculinist protection” (Young, 2007) that expects submission in return for “protection” and uses the protection of women as a smokescreen for furthering self-interest, and avoid the repetition of (neo)colonial/imperialist tendencies.

My discussion of international action has been largely focused on causation on the primary level, but there are international aspects also on the secondary and tertiary levels. Chapter 3 and 5 already discussed various cross-border ways in which VAW is perpetrated and enabled or insufficiently addressed by international actors. Contributing to causes on the tertiary and secondary levels internationally, as I argued in earlier sections, feeds back into the primary level, reinforcing responsibility there as well. The causal role of international actors in cases of VAW on the secondary and tertiary levels can consist in international institutions’ failure to address case-types of VAW in a satisfactory way, designing policies and legal frameworks that allows VAW to continue. International laws that enable abuse to continue include, for instance, the Hague Convention or the omission of gender as a ground to asylum and the resulting restricted interpretations of the Geneva Convention and Protocol. The failure can also consist in failing to carry out international directives in practice, such as inefficiently addressing women’s and girls’ global trafficking for prostitution. International failures on the primary, secondary and tertiary level can also occur not through wider international laws and policy structures, but through interactions between particular states and citizens of particular states. Such cases include the VAW-escalating effects military bases have on prostitution in foreign states or even the outright use of sexual violence in international conflict; laws of immigration in particular to countries which tie the visa of women citizens of particular countries to their male partner, or in the case of domestic workers to the family they serve, effectively leaving women at the mercy of their partners and masters and providing no access to justice and protection against violence; and so on. On the tertiary and secondary levels, the responsibility of the states and international official agents implied is the same as that of states and state-legitimised institutions, discussed earlier: they violate a

special duty, and abuse the powers conferred to them owing to that duty, thus they owe victims of VAW adequate protection and provisions also as a matter of *compensation* and rectification for imposing institutions that contribute to upholding the root-cause of VAW.

7.8 Non-official organised collective actors

By non-official organised collective actors, I mean tangible, formal institutions and groups that are not controlled (exclusively) by states or national and international institutions deriving legitimacy and coercive power from states. Examples include NGOs and INGOs; national and international religious organisations and institutions (including churches and other institutions of organised religious worship and practice); sports organisations and institutions; business organisations (companies, corporations); unions; private foundations; educational organisations (including universities); and collective organisations of such organisations and institutions (e.g. national and international associations, alliances, federations of various groups).⁸⁶

Such agents and their roles receive lesser scrutiny in Young's and Pogge's accounts, and the global justice field in general, which focuses more on individuals and/or states, state-related agents and institutions.⁸⁷ Collective actors' conduct is typically either reduced to the conduct of individuals constituting or participating in them, or is an impetus to scrutinise related aspects of the system of rules within which collective actors operate, the framework provided by the narrowly understood (Rawlsian) basic structure. While a comprehensive overview and conceptualisation of collective actors' varied and complex roles and responsibilities in upholding structural injustice extends beyond the scope of this thesis, on the basis of the preceding discussion this task seems a worthy agenda for future global justice

⁸⁶ The reader will notice that I speak not of cultures and religions, but in relation to these concepts, I highlight religious and cultural *institutions*. Blaming particular cultures and religions as if each culture and/or religion was a monolith, delineable and unchanging entity received much, well-deserved criticism (Jaggar, 2005). Meanwhile, tangible actors, even if they are institutions centred on religious and/or cultural activity, are legitimate subjects of scrutiny insofar as they contribute to upholding the root-causes of VAW.

⁸⁷ Pogge's (2008) analysis of the (financially global-North dominated) pharmaceutical industry's conduct is also concerned more with international intellectual patent *laws*. He concludes that such laws should be reformed so that they incentivise drugs' accessibility in the global South for profit-seeking companies.

research, the project's importance heightened by such actors' influential role in the pervasive injustice of VAW-producing global gendered structures.

As collective actors cover virtually all fields, there is extensive variation in the ways in which they contribute to the upholding of gender. For instance, companies in the media and beauty industries play a significantly different role on the primary level than other organisations not explicitly focusing on and profiting from propagating gendered normative content, yet contributing to upholding gendered and patriarchal structures through their conduct, such as sporting organisations or some professional (e.g. medical) organisations. While I shall not explore these roles in detail, I must highlight a few, relevant factors in non-official organised collective actors' conduct and responsibilities, giving rise to some more general assertions.

First, it matters whether and how the non-official collective actor's conduct is regulated by official actors. An analysis of the actor in question can, according to this factor, invoke further, more specific requirements towards official national and international agents for abstaining from the coercive imposition of unjust institutional structures, and discharging the special duty to protect subjects to its power from one another. Second, the financial power wielded by the actor, its capacity for extensive lobbying and thus capacity to influence official frameworks, also matters. An analysis of actors with such power might require the conceptualisation of a wholly different type of duty/responsibility significantly diverging from a Pogge-based as well as from a Young-based account. This factor, similar to the first, may also invoke more specific requirements on the part of official agents. Third, the identity of the beneficiaries profiting from the actor's conduct, matters. The analysis of this factor may bring to the fore important global implications, especially in the case of profit-generating actors whose activities bring capital into states that wield more power in the international arena. These factors are especially relevant in relation to actors' role on the primary level, which means scrutiny of collective actors' practices feeding into the upholding of gender (hierarchy), with special attention to the normative content (see chapter 7.3).

With a view on gender-based VAW, we also ought to note potential tertiary and secondary level implications. Collective actors have members and employees whose lives they influence to various degrees depending on the type of collective. Organisations have a heightened impact if discriminatory practices emerge within

them, as their institutional cultures and practices affect people related to them not only on a one-by-one basis as in the case of Young's discriminating landlord. Internal organisational structures are frequently also gendered: they exhibit biases, presume a male member/subject/worker while often claiming neutrality (Acker, 1990), and participate in the patriarchal structure on a mezzo-level (see chapter 5). Organisations also likely have to deal with VAW, especially sexual violence and harassment directly, in case there are both men and women subject to their internal structures. The use of organisational power on any (tertiary, secondary or primary) level in a way that reinforces and furthers structural injustice is the wrongful use of what Young calls "collective ability" – the use of available resources readily at hand that individuals in already existing organised collectives ought to draw on to promote change, discharging their political responsibility (Young, 2011, p.147).

On the secondary and tertiary levels, insofar as an organisation plays a role similar to those outlined in relation to individual VAW-apologists/overt sexists/discriminators and individual by-standers towards those over whom they hold power, they have a heightened responsibility owing to that power. Non-official agents do not have the power to coerce in the same sense that states and national and international institutions and bodies that derive their legitimacy from states have. Still, they might hold more power over VAW-victims dependent on them for their livelihood (e.g. workers) and/or social inclusion (e.g. members of a religious community) than what simple individuals can hold over other individuals. When, for instance, religious organisations excommunicate a victim of VAW, or when a corporation fires a victim of VAW, they abuse the power they hold over their members in a way that is morally wrong and that causally reinforces the wider structure resulting in the perpetuation of VAW on the primary level. Official institutions hold the coercive power necessary to make collective agents accountable in their conduct towards those over whom they hold power, and ensure that they do not abuse that power in the above ways. They can do this, for instance, by the introduction of laws against workplace discrimination and harassment, and a pressure for associations to develop internal policies to handle misconduct, discrimination and violence against women.

However, when it comes to religious organisations, these represent a challenge owing to the community's right for determining internal rules according to their beliefs, which may well include gender-normative content or even the

superiority and higher moral worth of men over women explicitly. States and state institutions are also often intertwined with some organised religion. For instance, in some countries, there is no civil marriage, and marriage and divorce procedures are regulated primarily by religious institutions endowed with this authority by the state, which represents a particularly relevant issue with regards to gender and VAW insofar as the rules are informed by gender-hierarchical and/or VAW-apologist normative content. Religious organisations' influence and authority in states and across borders is historically embedded, highly varied, and might not be so easy to pinpoint; it is also often in accordance with the views of the majority of individuals affected. These characteristics further complicate the challenge of conceptualising religious organised collective agents' responsibility; states' responsibility in devising rules and reforms to abstain from coercively imposing harmful institutional structures; and individuals' responsibility of discharging collective responsibility to work towards changing unjust gendered structures, in case they believe that these are in fact adequate. Clearly, if individuals and/or states endorse or enforce normative content that runs contrary to the equal moral worth of men and women and the principles of participatory parity (see chapter 5) including men and women, this is incompatible with the aim of eradicating structural gender injustice and VAW. If, however, one subscribes to the principles of equal moral worth and participatory parity, one cannot but hold states, collective agents (including religious organisations) and individuals duty-bound not to coercively impose, but to work towards the eradication of, structural gender injustice. Conceptualising the particular types of responsibility/duty various types of collective organised agents hold in the reproduction of VAW through gendered structures is a subject meriting further exploration. The above does not mean that someone must impose and enforce conduct that agents upholding gender and as a consequence, VAW, must follow, as this raises both pragmatic problems (such as potential backlash) and theoretical contentions (e.g. might be accused of imperialism). No agent exists that could legitimately exercise such authority.

7.9 Conclusion

This chapter suggested that different agents and different kinds of agents might have different duties or responsibilities in the amelioration of the unjust structural

features producing VAW according to their role on the primary, secondary and tertiary causal levels; their capacity to exercise coercion; their awareness of their actions' contribution to injustice and the outcomes of that injustice; and their intentions. The chapter asserted that agents' conduct converge to reproduce VAW owing to the gendered normative content informing it, rather than incidentally. It constructed an account drawing on Pogge and Young but distinct from either theory, scrutinising the different types of causation and other factors in the case of different types of participants in the reproduction of gender and VAW, and identified different types of duty/responsibility on the basis of these.

Most importantly, on the basis of the framework developed, I put forth two main models of responsibility for theorising VAW as a matter of global injustice. (1) I argued that owing to their capacity to coerce, states and agents and institutions both national and international that derive their legitimacy from states have a negative duty not to impose institutions and gender-unjust institutional frameworks resulting in the massive underfulfilment of women's (institutional) human right to security. (2) I argued that all individuals have a political responsibility, upon recognising their contribution to upholding gender as a social construct resulting in VAW, to work together with others in order to ameliorate structural gender injustice. This responsibility also involves reflection on one's everyday conduct. I also scrutinised the responsibility of individuals more directly involved in VAW and overt sexism, and highlighted an area for further research: the responsibility of organised collective agents.

While neither Young's not Pogge's account can be directly reinterpreted in terms of gender and VAW (see also chapter 6), both models have useful imports to conceptualising VAW as an outcome of unjust structures. I drew on Pogge's account to highlight that in identifying duties/responsibilities, the agent's capacity to exercise coercion is a relevant factor, and I built on his theory to conceptualise the responsibility of states and institutions with power to impose policies. However, in contrast to Pogge, I clearly distinguished between the duty of these kinds of official agents and the responsibility of citizens/individuals. I also added the argument that especially in the case of VAW, the negative duty of official actors can be asserted because their legitimacy and their power to use legitimate force, to coerce, and to impose is justified by their role to provide basic security to those subject to them. Using the power legitimised by this special duty to impose

institutions that contribute to the reproduction of harm amounts to a violation of a negative duty *and* a special duty. I found Pogge's conception of institutional human rights useful in capturing that the issue is not simply the harm against actual victims of VAW (whose rights are violated also interactionally), but also the reproduction of the risk of VAW, the mass underfulfilment of women's human right to security.

I drew on Young's account for theorising the primary stage or level of causation within my framework to identify individuals' responsibilities. I also found her account useful for defining what constitutes the structure. A restrictive or simplistic view identifying only formal institutions and institutional processes while excluding social institutions and processes as elements constituting the structure is inapt to describe the pervasive gendered background conditions from which VAW stems. However, I emphasised that in the case of gender injustice, the accumulated actions, processes and institutional conduct that uphold the unjust and harm-producing structure are not unrelated in the way that Young's description of structural injustices suggests. Instead, there is a shared basis in that the accumulated actions, processes and institutional conduct upholding the unjust structure, and the institutional realms constituting that structure are all informed by an underlying gendered normative content. The "content problem" also applies to official and formal institutions with a power to impose: policies, national, transnational and international formal institutional frameworks and processes do not incidentally converge in a way that produces inequalities between men and women, but are informed by the same gendered normative content they end up reinforcing. I expressed the same concern in other words in asserting that gender, defined in a way informed by VAW-theory and Mills's terminology as inherently hierarchical and as an institution comprising a part of basic structures and the global institutional order (see also chapter 5), is an institution that is deeply intertwined with and profoundly impacts the quality of other institutions, making the order(s) they constitute patriarchal and VAW-reproducing.

8. Conclusion

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8.1 Introduction

This chapter addresses potential objections concerning the demandingness and the feasibility of the proposals set forth in this thesis, provides a summary of the argument, highlights the limitations of the account presented and the contributions I hope to have made in the field, and identifies potential areas for further research.

8.2 Addressing demandingness-concerns

The account this thesis presented might invoke two worries frequently arising in relation to global justice theories: the questions of whether it implies excessive demands on the agents involved, and whether realising what it suggests is feasible. I will briefly address these worries in turn.

As I mentioned before, theories of (in)justice that call for the extensive reform of institutions and institutional frameworks, and/or the establishment of new institutions, and especially, that call for extensive action on the part of individual agents, are vulnerable to the objection that they are overly demanding. For instance, Pogge's account, though he insists that the reforms and compensations he urges are moderate or at least reasonable (2010b), invokes such objections. Proposing the extensive reform of institutions and especially, expecting significant changes to or new activities in individual conduct might not only be too demanding to (1) be construed as negative duties (Mieth, 2008), or (2) to be construed as only negative duties whereas they include both positive and negative duties (Daskal, 2013), but (3) might be too demanding even if construed as positive or humanitarian duties (Lichtenberg, 2010; 2014).

I will approach potential demandingness-objections to the account I presented through Lichtenberg's (2010; 2014) arguments concerning the demands

global justice theorists frequently make. Lichtenberg (2010; 2014) argues that to avoid demandingness, and to pursue a more motivating psychological strategy than blame, a model of *collective responsibility* in global distributive injustice would be appropriate, rather than asserting overly pressing demands on individuals, or to the contrary, ineffectually minimalistic requirements. She argues that in theorising what she calls “new harms”, traditional distinctions of duty become blurred: these are inapplicable to the (perhaps not new, but newly recognised) many ways in which our everyday, regular, non-violent conduct unintentionally affects others. Taking a definition of harm as making someone worse than off than they otherwise would have been, Lichtenberg argues, can only straightforwardly apply to situations in which we can determine how the harmed agent would have been had a particular agent not done what he/she did. (This is similar to Young’s (2011) point on liability (see chapter 6).) In cases like global poverty however, that are brought about by complex causation and involve historical processes, even if they produce suffering, we cannot determine a “baseline” to compare how those affected would have been had particular elements (such as colonialism) in the complex causal chain and the many processes involved not occurred (Lichtenberg, 2010, p.578). More importantly, she argues, we do not know what would have occurred in their place, and whether what would have occurred would have produced better or worse outcomes for the party concerned than those currently in existence. Hence, “the very notion of harm and thus the idea of a negative duty becomes obscure” (Lichtenberg, 2010, p.578).

Lichtenberg, and the mainstream trends and concerns in global justice theory that she addresses, are focused on *distributive* justice, global poverty, and the task of identifying the types of duty/responsibility in responding to global poverty.⁸⁸ I find that while the concerns highlighted potentially present significant challenges there, this might not be the case when it comes to gender-based VAW and global gender injustice. In the subject constituting the focal concern of this thesis, it seems more straightforward to establish that harm, and harm-(re)production had occurred and keeps occurring, by the establishment and maintenance of gender regimes (and various types of actors’ participation in them

⁸⁸ Indeed, Lichtenberg’s (2010; 2014) work barely mentions gender, race, gender injustice or racial injustice, at all – not even as potentially relevant factors in distributive injustice.

and enforcement of them) throughout history. Even though innumerable individuals (and other types of agents) whose direct liability cannot be established participated and keep participating in the causal chain of VAW, it is clear that if the root-causes of VAW identified by researchers and feminist theorists would not have been established and kept perpetuated by everyone involved, women who have suffered and are suffering VAW now would be “better off” than they are. Arguably, women in general would be better off, as they would be more secure than they are now (that is, women’s human right to security would not be underfulfilled).

This response to the above objection might still be criticised as a way of responding to demandingness with demandingness. Of course, if patriarchies were never instituted, women would be better off (that is, harm did and does occur). Of course, if we rectified the historical injustice of gender and eliminated all of the many processes and interactions constituting the structural root-causes of VAW, the harm they produce would be eliminated. But is this not the very case in which so much action is required on the part of so many agents that the account becomes overly demanding? Even if we accept that in this case, we can reasonably conceive of a baseline and assert that those affected are worse off (owing to the causes identified) than they would have been and would be without the causes identified, there are still too many agents and too many requirements involved to construe them as duty-bearers and duties.

There are three points with which I would respond to this assertion. The first concerns types of agents and the differentiated account this thesis attempted to sketch; the second concerns the nature of pervasive injustice; and the third concerns the demandingness of not changing, but maintaining the *status quo*.

First, note that demandingness worries seem to ultimately boil down to worries over what is expected of *individuals* rather than individuals *and* other kinds of agents. This stems from the notion that other (social) actors and the state are ultimately made up of individuals and are influenced by them; they do not exist on their own without individuals/citizens. In contrast to this approach however, this thesis argued for a differentiated account that distinguishes individual actors (and even individual actors in various roles) and official actors, and employed a (negative) duty-centred conception only in relation to the latter, suggesting a model of collective responsibility for the former. This distinction arises from considering whether the agent possesses a power to impose and coerce in the course of its

primary-level causal involvement. States and (typically state-legitimised, state-mandated) national and international official actors act as extant political entities in a way distinct from individuals (or a sum of many or all individuals): they have power to use legitimate force, to coerce and to impose institutions and institutional frameworks. Thus, I argued, they can reasonably be perceived as bearers of negative duty in the case of structurally produced harm, and ought to not impose institutional frameworks that produce harm. Refraining from harm-producing action as a matter of negative duty for official actors necessarily means that the action of reform is required. I expressed a similar point in chapter 3 in saying that there is no way not to “act” about gender: either the action is the perpetration and perpetuation of unjust, harm-producing structures, or it is the changing of those structures. Either conduct involves action, but participating in maintaining these structures using coercive power is harmful action, and reforming these structures and imposed institutions means refraining from causing harm using coercive power in the course of actively participating in their maintenance. This claim is strengthened by official actors also bearing special duties (in the case of states), or deriving their power from actors with special duties (e.g. official international institutions), which constitute the very source of their legitimacy. They can use legitimate force and impose laws, policies, and legally binding decisions supposedly in exchange for providing security to those subject to them.

Meanwhile, the cumulative effect of individuals’ actions that is manifest, for instance, in social pressures to adhere to gender norms might be extremely strong, but it is not binding, does not amount to imposition and coercion in the same sense. And responsibility for official institutions’ conduct that does bind, impose and coerce is not the direct equivalent of the collection of constituent individuals’ responsibility. Even though I acknowledge that individuals are to some degree collectively responsible for their states’ conduct, especially in democratic states, I agree with the concerns expressed both by Young (2011) and some critics of Pogge (Steinhoff, 2012) that even so-called liberal democratic states’ conduct and institutional organisation do not mirror, or are indeed often contrary to, the collective wills of their citizens, or of a majority of their citizens; the relationship between states and citizens is often “dysfunctional” (Mitchell, 2006, p.116). Conflating states’ conduct (and the conduct of official institutional actors that derive their power from states), and the corresponding obligations with that of

individuals, asserting that it is “in their name” that the official actor is acting “assumes a kind of direct involvement in social organisation that many citizens simply do not have” (Mitchell, 2006, p.116). Individuals have even less to do with the conduct of *international* institutions and organisations endowed with power, which are also included in the category of duty-bearers in the account outlined in this thesis.

Hence, distinguishing between individuals (or the collection of individuals) and official actors is reasonable. Contrary to Young (2011), however, I do not conclude from states’ failure to represent the collective will/interest of individuals that we can dismiss the state as a relevant actor from which justice-oriented interventions might be expected, or we ought to consider the state little more than a potential tool in the hands of citizens to affect change – if they manage to exercise sufficient pressure on it. Instead, I asserted that states’ conduct, and the conduct of institutions (national and international) that derive power from states and that can coerce and impose should be perceived as duty-bearers that ought to alter their conduct as a matter of negative duty (even if this requires a lot of action to compensate for and change the current, harm-producing course of action). I also asserted that discharging this duty is a necessary, but insufficient requirement for ceasing to produce the harm of VAW and the underfulfilment of women’s human rights to security. Simply put, this means that both top-down and bottom-up political action is necessary to change the pervasive structures producing VAW.

With regards to individuals’ responsibility, which those who worry about demandingness seem most concerned with, I built on Young’s (2011) concept of collective responsibility. I find that construing individuals’ participation in reproducing VAW on the primary (indirect) stage of causation, through perpetuating gender (conceptions, norms, roles), would indeed over-stretch the concept of negative duty and make excessive demands. Meanwhile, construing the opposite conduct as a positive duty hardly makes sense; a positive or humanitarian duty not to promote stereotypes, for instance, sounds very strange. Instead of traditional terms of duty, collective political responsibility perceived in the ways outlined in the previous chapter seems to fit the bill. This model also invokes objections, most importantly that it might end up expecting nothing – i.e. that it is too *undemanding*. In order for this not to be the case, one has to concede that if over time, individuals fail to discharge their political responsibility to participate in

collective action, to become agents of change, they become “culpably negligent” (Nussbaum 2011, p.xxi). That is, to some degree, we have to hold individuals accountable, and “call them out” if they refrain from exercising responsibility, (provided that they are sufficiently informed to start recognising the wrong in which they participate).

Even though this proposal does not pose unreasonable demands towards individuals, one might still argue that the above account is overly demanding, because it simultaneously asserts duties and responsibilities on the part of various (kinds of) agents. How can official actors be identified as bearers of negative duty if changing their conduct would be insufficient to halt the reproduction of harm?

My response to this issue is that in the case of pervasive structural injustices, where the same issue manifests on all social and global-social levels, there is simply no way to avoid asserting the responsibility and duty of various kinds of actors at the same time. Throughout this thesis, I aimed to show that VAW, gender, and gender injustice are of a pervasive nature. The same, gendered normative content that informs and permeates policy also informs and permeates informal institutions, communities, relationships, individual conduct, interaction and attitudes; and gives rise to VAW. Gender, interpreted as an institution in the terms outlined in chapter 5, is woven into social and political institutions comprising “basic structures” and “institutional orders” (broadly understood). We cannot single out a particular type of agent, conduct, or a particular process *not* because the outcome stems from a variety of distinct and potentially unrelated phenomena constituting a complex web of causation, *but* because underlying the conduct of all kinds of agents involved, constituting wider processes, is a shared basis.

The final point I would highlight in response to worries about demandingness is that the *status quo* itself (upheld by current conduct) is highly demanding on a great number of (female) individuals. Over-demandingness occurs now owing to gender injustice and patriarchal institutional orders: there are extreme demands imposed on a great number of women for reproduction, care and unpaid labour, sex, toleration of transgressions, and resilience in the face of violence. This will be the case as long as there is no extensive compensatory and transformative action realising global gender justice and the elimination of VAW on the part of

many actors,⁸⁹ as a matter of duty and as a matter of collective political responsibility (taken seriously). That is, changing the status quo might be demanding, but so is not changing it; though the demands are currently distributed disproportionately between individuals. Not discharging the duties and responsibilities implicated comes at the cost of maintaining disproportionate, unfair, immoral and excessive demands towards women. Maintaining the *status quo* is unjustifiably demanding towards a significant segment of the human population; changing it requires action and the alteration of current conduct on the part of everyone.

Ultimately, I agree with Goodin (2009) that one can only legitimately worry about demandingness if one's question concerns proportionality and feasibility-constraints rather than the degree of demand alone. If the demands are in fact legitimate requisites of morality and justice, if they are "substantively right" (Goodin, 2009, p.2) then the fact that they expect a lot is not, in itself, a problem. Indeed, the point of morality is to expect us to do things, to guide action (Goodin, 2009, p.3); that it might expect a lot of things does not in itself invalidate the claim's moral force or make demandingness wrongful. Rather, the concern is whether the actions demanded as a matter of morality are too much *for* the gain in question: "the greater the moral gains in view, the greater the sacrifice that can properly be morally demanded" (Goodin, 2009, p.6) which also applies to cumulative demands and gains. If the moral costs are disproportional to the moral gain, then they cannot be morally justifiable.

The other point concerns feasibility in combination with proportionality: whether we can find ways to act morally given the constraints we have on our attention and time. Again, I agree with Goodin that in order to effectively discharge duties/responsibilities demanded by morality, we are often required to organise a collective response, and we might better "outsource" the task by creating institutional responses rather than attending to moral requirements directly:

Given the strict limits on our attention, trying to attend to all the legitimate demands of morality all by yourself would inevitably lead to many morally important demands going unmet. The best way to get the job done is to set up institutions to attend systematically to morally important demands that we individually can attend to only

⁸⁹ This also includes women themselves, of course. But one might also have responsibilities (or even duties) to oneself, not only to the benefit of others.

partially and imperfectly. (Goodin, 2009, p.11)

I believe the approach proposed in this thesis is compatible with this idea. Yet in the case of gender injustice, I find that this might not suffice for doing the right thing, which is why my conception of individuals' responsibility includes reflection on one's everyday conduct and consider altering it in the pursuit of a more just society. This might be termed as adding everyday or "private" activism to political activism (since I dubbed Young's approach the philosophy of activism). Not adding this would mean, for instance, that one might keep participating in covertly sexist everyday conduct that fosters an environment where sexual harassment can prosper, so long as one pushes for institutional responses to sexual harassment and violence – and this would be sufficient to take up one's part in what I conceptualised as a political responsibility to collectively mobilise for a more just state off affairs.

Expecting individuals to begin reflecting on their everyday conduct and interactions from the perspective of gender justice and adjust it (in addition to pushing for institutional responses and social change by collective organising) seems to fall into the category of posing too frequent, "too constant" or "intrusive" demands (Goodin, 2009, p.8). Additionally, there are also various constraints not only regarding attention as Goodin highlights, but also regarding information. As this thesis aimed to show, the conduct I am concerned with, and the underlying issues are *normalised*. Hence, as I argued earlier, it is not reasonable to assert that individuals have a *duty* to become "full-time" feminists. But we can assert that a strong political responsibility exists and they might discharge it by getting informed and doing as much as they can (and refraining from as much as they can, in the case of gender injustice-reinforcing conduct) both in their everyday lives, and in organised forms of activity in order to approach justice as closely as possible. That is, individuals ought to do as much as they can to become aware and act with awareness, as a matter of political responsibility, with a consideration of the various constraints; and they ought to organise in what they deem the most effective way.

One's position on whether the responsibilities (and in official actors' case, duties) outlined in this thesis are too demanding will depend on whether one finds that the moral gain would be disproportionate. Insofar as one accepts the analysis presented in this thesis (regarding the causes of VAW, its structural reproduction, the role of gender, and the pervasive nature of gender injustice) but finds that the expectations it implies are too demanding, one has to be prepared to argue that

reducing the current, unfair demands on women, giving women what they are due, and eliminating VAW are not worth the moral costs of doing so.

8.3 Addressing feasibility concerns

The previous section already introduced concerns over practical constraints. This thesis has argued that eliminating VAW implies the eradication of gender injustice in which it is embedded, and of gender, from which both stem – or at least, diminishing the salience of gender as a social category, divesting it from the norms, roles and expectations currently constituting its meaning. I sketched a preliminary account on what this would imply in terms of duties and responsibilities to various kinds of agents currently participating in upholding the structures producing VAW. But is realising these proposals reasonably possible? Is eliminating gendered harms feasible?

I cannot see that we can answer this question with absolute certainty. One can only hope that it is possible. The courses of action, reform and changes of conduct required on the account laid out in this thesis might ask a lot, but they do not seem to me to ask the impossible. The salience of gender has already decreased in many contexts; the strength with which the related norms, roles and expectations are enforced has seen changes that many would have previously thought highly unlikely. There are also steps against VAW that, while not enough, are significant, both on the international and national levels. Notably, these changes occurred mostly owing to the mutually reinforcing effects of (1) individuals mobilising, organising and altering their everyday conduct, “discharging/exercising political responsibility” and (2) official national and international institutions expressing and using their coercive power to codify norms against abusing, discriminating against, and excluding women. What Verloo called the “*perpetuum mobile* of gender inequality” (Verloo, 2016, p.1) (see chapter 6.5) is still going, but there are some cracks in its mechanisms. Although we are nowhere near eliminating VAW and gender injustice, the above would suggest that the project is not inconceivable; that substantial changes are possible.

It is worrying that gender-mainstreaming and other institutional tools introduced throughout time have been insufficiently implemented in practice (see chapter 3). Meanwhile, my proposals include an expansion of gender-

mainstreaming to also review institutions already in place. Arguably, the effective implementation of policies hangs more on whether there is a will and motivation on the part of various powerful actors, rather than tangible, practical constraints. The lack of motivation, however, does not seem to me to negate the importance of pushing for the realisation of the requirements this thesis has articulated.

The account this thesis has presented also invites a practical concern inherent in the nature of gender and racial injustice. If the aim is to eradicate gender and race, or the salience of gender and race (as social categories/institutions), as a matter of justice, how can one simultaneously argue for the implementation of gender- and race-sensitive or even gender- and race-specific policies? Does the emphasis on men's and women's different positions, and of white and racialised peoples' positions, not reinforce the salience of gender and race? Can we ameliorate gender (or the salience of gender) while implementing gender-mainstreaming and sex/gender-specific policies to better women's position *vis-à-vis* their male counterparts? Is this not a contradiction in terms?

It seems to me that it is not. In order to eradicate racial and gender injustices, they have to be named, identified, and in a transitional period, specifically targeted in policy and public discourse. Mills (1997, 2007, 2010) phrases this in terms of compensation and rectification for historical injustice. Though I disagreed with Mills that eradicating race and gender has to "come first", as I argued that making basic structures just for women and racialised peoples is inseparable from other pursuits of justice, I agree that a corrective, transitional period has to come before we can speak and design theoretical proposals and policies in genderless and raceless terms. Purporting "neutrality" and the lack of specific consideration in the current circumstances only maintain the injustices currently present. At the same time, this transitional period might require transformative measures applying the same rules to women and men in areas hitherto distinguished; for instance, the obligation that women and men take equivalent parental leave.

8.4 Argument overview and main contributions

This thesis aimed to construct an account on how we might address violence against women as a matter of global (in)justice, within the conceptual frameworks of the justice discourse, using and developing its theoretical tools. I started by introducing

the empirical realities of VAW and its institutional context (chapters 2-3). On the basis of VAW-research, and descriptive theories and feminist analyses arising from it, I posited that gender-based VAW is motivated by hierarchical gender conceptions, norms and roles and that acts of VAW serve to enforce and uphold hierarchical gender conceptions, norms and roles. I showed that VAW is embedded in broader patterns of inequality between men and women, and that states and official national and international institutions fail to adequately respond to VAW and play an important role in creating and maintaining the structures producing VAW.

In chapter 4, I introduced the notion of a continuum of violence stretching between less aggressive everyday transgressions against women and aggressive VAW, with more common masculine conduct along this continuum gradually shading into violence. Based on the continuum, I argued that rather than an aberration from norms, VAW (and other acts along the continuum) are an outcome of norms and rather than being exceptional, these are embedded in the context of “normal” inequality in heterosexual relationships and sexuality. I argued that the hierarchical notions of gender underlying the inequality between men and women and the continuum of violence, and constituting the root-cause of VAW, are structurally reproduced, and hence VAW is also structurally reproduced (chapters 3-4). This supports the feminist claim that VAW is not apolitical, but should be addressed as a relevant matter in political philosophy and theory.

In chapter 5, I scrutinised the concept of patriarchy/gender regime that describes gender-unjust structures in feminist theory. I showed that theories of patriarchy, while concerned with the institutions comprising it in a similar way as political philosophers are with the institutions comprising basic structures and institutional orders, construe institutions more broadly, also encompassing social institutions that involve cumulative processes.⁹⁰ Based on this, I argued in chapters 6 and 7 that in order to address gender injustice, a broader conception of the basic structure is more appropriate. Using feminist analyses of patriarchy, chapter 5 also showed that gender-regimes are maintained on various social levels, including the individual-interactive, the community, and the societal levels. In this chapter, and

⁹⁰ Rawls also names social institutions as comprising part of the basic structure (see chapter 5.2), but he still focuses on more formalised processes. Pogge, who builds on Rawls to theorise on the global level, has a restrictive understanding of institutions.

throughout this thesis, I argued that the global or global-social level also deserves scrutiny, owing to the prevalence of cross-border, geographically unbound VAW, the globally cross-cutting nature of gender, and the patriarchal quality of transnational process and international institutions. Because of the pervasive nature of gender injustice providing the background conditions of VAW, and its maintenance on all levels, chapters 6 and 7 scrutinised a variety of actors and various types of involvement in upholding the structure, rather than singling out select agents.

Using the terminology of the public health literature on VAW and drawing on discourses in political philosophy, I outlined a framework to assess the causal involvement and corresponding responsibilities/duties of various types of actors. I distinguished three causal stages in the structural reproduction of VAW (chapters 3, 7). The primary, indirect stage implicates official institutions as well as individuals and associations as relevant agents that participate in upholding gender-unjust structures that provide the background condition from which VAW emerges. The secondary, semi-direct stage that denotes developing situations of increased risk and the tertiary, direct stage of particular cases of VAW implicate official institutions, by-standers, individuals overtly promoting VAW and women's inferiority, and perpetrators. Agents that play a role on the secondary and tertiary stages also play a role on the primary stage, owing to the mutually reinforcing relationship of actual VAW and its structural root-causes. In chapters 6-7, I developed a preliminary account on VAW as an outcome of structural and global injustice and on the duties and responsibilities of various kinds of agents. I theorised agents' obligations/responsibilities on the basis of their causal role and relevant characteristics, most importantly, whether or not they have the power to coerce and impose. In structuring and presenting my account, I drew on the theories of Thomas Pogge, Iris Marion Young, and Charles Mills, as well as the arguments presented earlier in this thesis.

In chapter 7, I laid out the implications of the framework I proposed for identifying responsibilities, providing an overview of how we might think of the responsibilities and duties of the various kinds of agents involved in the reproduction of VAW and women's insecurity. The account I developed is primarily focused on the collective responsibility of individuals in eradicating gender injustice, and the negative duty of official actors not to impose institutions

that contribute to the upholding of gender injustice and hierarchical gender which constitute the root-cause of VAW and women's insecurity. I posited that neither individuals exercising collective responsibility, nor official actors' ceasing to impose gender-unjust institutions is alone sufficient for the eradication of gender injustice and VAW, but both are necessary. The structure reproducing VAW is more than only coercively imposed institutions, but individuals' collective action is not enough to eradicate it, as long as official actors keep imposing gendered and gender-unjust institutions.

I argued that individuals perpetrating VAW are morally culpable and responsible for violating the strong (enforceable) general negative duty not to harm and for reinforcing gender as an institution and the gender-unjust structural background of VAW through the gendered violence they perpetrate, but they are not the only responsible agents. The responsibility for the harm produced by gendered institutions and the gender-unjust order(s), the wider institutional structures comprised by them also falls on all official actors and on individuals imposing, upholding and participating in these institutions. Official actors should be held accountable if, in the case of VAW, they fail to enforce the enforceable general negative duty not to harm, violated by perpetrators of VAW. Yet protection against VAW, services for victims of VAW and the prosecution of VAW are owed to victims and to women at direct risk not only as a matter of enforcing perpetrators' general negative duty not to harm, but as a matter of justice, as compensation for the harms victims suffer as a consequence of the gendered institutional order. This is a new way of conceptualising states' obligations in responding to VAW. Official actors' power to coerce is legitimised by a special duty to guard subjects' security (in the case of states) or is legitimised by proxy through states. These actors abuse their power to coerce when imposing institutions, institutional frameworks and policies that contribute to the structures reproducing VAW and women's insecurity. Individuals participating in gender-unjust orders, and in institutions and processes comprising them have a political responsibility to organise with others to change the structures in which they partake, and to reflect on their everyday conduct and consider (and if reasonably possible, implement) alterations to it to lessen their contribution. Their responsibility and its proportions is mediated by a variety of factors, including the political power they hold in, and the degree to which they benefit from, the current structure on the social, transnational and global levels.

In the remainder of this section, I briefly recapitulate what I take to be the most relevant original contributions of this thesis to thinking about VAW as a manifestation and outcome of structural, global-social, and global (gender) injustice, in addition to the framework I have proposed to identify duties and responsibilities on the part of various agents, and the conceptualisation of official agents' duties and individuals' responsibilities in patriarchal institutional orders.

I drew on Mills (2010) to conceptualise gender, the establishment and maintenance of social categories based on sex, as an (inherently hierarchical) institution, but proposed a refined account of gender as an institution (see chapters 4.4, 5, 6.4, 7.3). I argued that gender, conceptualised as an institution, is best perceived not only separately, but as an institution affecting, informing and woven into other institutional realms together with which it comprises part of basic structures and the international institutional order. The ways in which political philosophy and theorists of patriarchy define institutions also involves an interplay between institutions; these are not necessarily understood as separable, clearly delineated realms, formalised institutions or tangible elements crisply demarcated from one another. For instance, the legally recognised form of property informs the structure of the economy, and *vice versa* (both are highlighted as elements of the basic structure by Rawls (2001)); they are intertwined.⁹¹ Mills also emphasises that gender and race are institutions that define the qualities of the basic structure or institutional order, that are non-ideal, non-cooperative and involve exploitation and domination in the real world. My point was to also highlight that gender as an institution does not only affect the quality of the basic structure but also conditions other institutions comprising it. The non-isolable nature of gender also means that I did not subscribe to Mills's claim that eradicating gender (and racial) injustice, and the institutions of gender (and race) as a matter of rectification can or should take precedence before other pursuits of justice. I agreed with Mills that pursuits of justice have to include a systematic reflection on gender (and race), because without this, they will be unfit to address all the interlinked processes relevant in how injustices come about and play out in the real-world, and ultimately, they will not achieve their aims. Yet I maintained that precisely because of this inextricable

⁹¹ In an ideal basic structure, gender would not be an institution and would not inform how other institutions are configured, of course.

relationship, we cannot temporally isolate the rectification of historical and still entrenched gender and racial injustice as a priority or a “pre”-condition of “other” pursuits. Meanwhile, considering the process, the temporal order is relevant in terms of approaching the eradication of gender and race (or at least their salience as social categories); specifically addressing women’s and men’s position and the position of racialised and white people is a precondition in a way laid out in the previous section.

I also proposed a way to conceptualise the same issue (gender as an institution informing other institutions and the quality of the overall structure) as a “content problem” (chapter 7.3). In the course of developing an account on VAW as an outcome of structural injustice on the basis of Young (2011), I highlighted that her account attempts to capture how otherwise unrelated, distinct actions constitute patterns that accumulate in unjust structures, producing suffering and vulnerability to a large number of people. I asserted that in the case of gender injustice and VAW, the accumulated actions and patterns, and the institutional frameworks and the conduct and approach of official agents do not incidentally converge. Instead, they are all informed by the *gendered normative content* they reproduce; they are themselves based upon and permeated by the same, gendered notions that they produce. That is, actions, processes and institutional arrangements that cumulatively produce inequality between women and men, and that produce VAW, are not an unfortunate convergence of otherwise neutral factors, but are each similarly gendered, are loaded with the hierarchical “content” of gender. This is one way to capture the pervasive quality of structural gender injustice, and provides further justification to scrutinising what I called the primary stage of causation.

This thesis also proposed a new way to conceptualise the problem of VAW in the human rights discourse. Drawing on Pogge’s (2001b; 2007; 2008) conception of institutional human rights, I argued that currently, basic structures and the global institutional order produce what we might call the mass underfulfilment of women’s human right to security. We might not accurately predict which particular women will fall victim to VAW, but we do know that as long as the background conditions and the root-causes of VAW are in place, VAW will predictably continue to affect a large number of women. This formulation captures the problem in terms of the continued risk of VAW that is structurally reproduced, and is distinct from the interactional violation of human rights that actual, particular victims of

VAW suffer. Together with scholars and activists of the women's rights are human rights movement, I maintain that the latter is also a political matter, even if the direct perpetrator is a "private" actor (see chapter 4.2, 7.2). However, highlighting that official actors with a power to coerce use this power to impose institutions that contribute to the reproduction of insecurity for women, even though their power is legitimised by their special duties to provide basic security to those subject to their policies, offers a new approach for capturing the role and responsibility of states and international institutions and the faults in their conduct. This approach also emphasises that the problem of VAW does not only constitute a human rights issue for actual victims, but for women is general, who are potential victims and who are also affected by the standing risk of potential violence (insecurity) (see chapter 4.3).

This thesis also proposed that we might think of in/security as a dimension of in/justice, expanding the meta-theoretical framework developed by Nancy Fraser (2008a) (chapter 5.6). I found that Fraser's typology is useful in synthesising the various kinds of concerns feminists raised in relation to patriarchy (patriarchal structures) in a perspicuous and organised manner. According to Fraser, rather than trying to construe injustice along only one particular dimension, trying to make out that everything is ultimately a matter of misrecognition, or a matter of maldistribution, is flawed, as there are three dimensions that cannot be reduced to one another: recognition (and the injustice of misrecognition), distribution (and the injustice of maldistribution), and representation (and the injustice of misrepresentation). Injustices along either dimension impede participatory parity, which is the unifying principle of Fraser's account. I argued that violence might be framed as a matter of injustice through adding the dimension of security (and the injustice of insecurity), as insecurity in the form of violence, the extant risk, threat of and fear from violence also impedes the parity of participation, and cannot be reduced to any one of the other three dimensions, nor divided between them. Gender injustice manifests along the three dimensions Fraser identifies, as well as the dimension of in/security. I also asserted that insecurity and the other dimensions of injustice not only impede participation on an equal footing in the so-called "public" sphere and social life on which Fraser focuses, but also parity of participation in the so-called "private" or domestic sphere, in interpersonal relationships and exchanges. While the global justice discourse is centred on the distributive dimension, this thesis argued that it ought to (1) take into account gender injustice

along the distributive dimension and (2) also address the dimension of security, admitting structurally reproduced violence as a legitimate concern for justice theory.

In addition, this thesis aimed to keep *global VAW* on the agenda, and hoped to advance the efforts to theorise pervasive injustices despite the challenges inherent to this task. It argued that it is justifiable and empirically accurate to analyse VAW globally as rooted in gender (conceptions, norms, roles), and hence as structurally and institutionally reproduced through the maintenance of gender and the normalisation of male dominance in societies globally.

I am hopeful that in what seems like a new wave of global public discourse on VAW, everyday transgressions against women, the “grey” areas on the continuum of sexual violence, and the context and background conditions from which they arise, this thesis might contribute to advancing a conceptualisation of these matters within political philosophy’s discourses on justice. There are promising signs that this will become a more thoroughly theorised subject within this field. Next to Parekh’s (2001; 2012) work on states’ responsibility (see chapter 7.2), Nuti (2015) recently suggested that by-standers’ responsibility for preventing IPV might be conceptualised using Young’s social connection model and plans to develop a detailed account of this proposal (Nuti, 2016), and Kahn (2018) suggested that Young’s approach to structural injustice might be useful to address the issues brought to the fore through the #metoo campaign and discourse.

8.5 Potential areas for further research and imports to the broader field

In mapping out the implications of the framework laid out in order to identify the duties and responsibilities of various kinds of agents, I aimed to provide a comprehensive overview of the kinds of agents involved in maintaining VAW-reproducing structures. However, there is much room left to develop the model on various actors’ responsibility in more detail in further research. Potential areas to extend this research include more scrutiny on the role and responsibilities of unofficial collective actors (associations such as religious and non-governmental organisations, corporations and industrial organisations), and developing the analysis on the various types of individual actors according to the various ways in

which they participate, and their positions under and within the global structure and social (sub)structures.

The point of departure for the account I proposed in this thesis are the profoundly non-ideal circumstances currently in place. Starting out from scrutinising the real world and the injustices present in it, also taking into account their historical background, is a different method from attempting to construct an “impartial”, ideal theory on justice (even if this unavoidably involves incorporating some knowledge on what injustices currently exist, though might conveniently forget about others). Theorising in/justice in the way I have done might be called a “radical perspective” (McKeown and Nuti 2016, p.i). Whether radical perspectives can be incorporated into mainstream theorising, and be perceived as bringing potentially useful imports is a matter of debate (McKeown and Nuti 2016). It seems to me that they have to be, unless mainstream theory is prepared to accept that many of its concepts and frameworks are unsuited to address some of the most pressing and prevalent issues.

In particular, I find that the arguments presented in this thesis point towards two tasks, two directions. One concerns the theorisation of not only gender-based and gendered violence *against women*, but of more types of violence, within the field of global justice theory (while keeping gender in mind). The other concerns the potentials for addressing meta-theoretical challenges in global justice theory through thinking about, and further developing the analysis of global gender justice and pervasive injustices. I will briefly present these potential directions in turn.

Taking a structural perspective not only on VAW, but on violence in general, or at least a variety of violent phenomena in not unprecedented in global justice theory. For instance, Pogge (2008) problematises the role of the Global North in the arms trade; the influence of foreign interests in guerrilla wars over controlling resource-rich areas, in civil wars and coups; and treating violent rulers as legitimate owners of resources and decision-makers on national loans. The relationship between race, structural inequality and disadvantage, and crime is a highly discussed subject in empirical research in sociology, law and criminology as well as in public discourse, activism, and normative theoretical approaches to discrimination. The argument might also be made that some types of general crime are the outcome of structural arrangements that keep segments of the population in poverty, out of education and employment, and in financial and housing insecurity.

For instance, Duff (2016) suggests that we ought to perceive of crime (or at least some types of crime) by those divested of power as a challenge of, or resistance against, existing property relations that are imposed on them by the state and those in power.

Theorising violence and violent crime in structural terms, however, does not frequently seem to include a scrutiny on the relationship between masculinity and violence. Even though this relationship itself constitutes a rich field of sociological study,⁹² mainstream normative theory seems to lag behind on incorporating a gender-aware view on the structural reproduction or indirect causes of violence (even regarding the types of violence it considers “political” (see chapter 4.2)). The points this thesis advanced on gender as an institution, patriarchal structures, and the relationship between violence and the structurally reproduced gender norms of masculinity could be usefully adapted to advance theory-construction concerning the structural production of other forms of violence and aggression besides VAW (such as civil war, militarism, mass shootings, or even violent crime more generally), and to explore implications with regards to duties and responsibilities for violence. Even though I have not pursued this argument in this thesis, further research in these areas might support a claim that attending to the duties and responsibilities identified here, and working towards the goal of eradicating gender-based VAW could also serve the eradication of other violent phenomena that are (partially) caused by the patriarchal quality of basic structures.

Another direction for potential further research is of a more meta-theoretical nature, and involves the task of examining how the theorisation of global gender injustice might advance and enrich the philosophical discourse on global justice. The process that this project (analysing VAW as a matter of global justice) necessitated might have useful imports to theorising global justice broadly speaking. Many theories on global justice seem to encounter objections for devising simplifying models, considering only a select set of agents while disregarding other, also relevant actors, or assigning disproportionate responsibilities to different, similarly relevant actors. For instance, theories might focus on powerful states; on states as basic units in the international realm; on individuals (as citizens of the

⁹² See Newburn and Stanko, 1996; DeKeseredy and Schwartz, 2005; Higate and Hopton, 2005; Parpart and Zalewski, 2008; Messner, 1990.

world); on powerful states and the elites of poorer states; on individuals (as citizens of powerful states) and powerful states; and so on. All of these foci invite objections for not considering other relevant processes or actors.

It is possible that the practice to simplify and to single out “particularly responsible” agents in different theories stems not only from conviction and a reasoned examination of processes and potential solutions, but also from the restrictiveness of standard conceptions and models of assigning duty and responsibility – which may need to be developed⁹³ to allow for asserting more kinds of duty/responsibility on the part of various kinds of agents simultaneously. In addition to identifying a variety of relevant agents, there is also the related theoretical challenge of capturing the relationships between social and transnational processes in global injustice. Furthermore, mainstream models of thinking about global justice do not seem well-equipped to address injustices that are not geographically demarcated, but cut and extend across geographical divides. Theorising the pervasive injustice of gender that results in VAW, which involves various types of causal involvement and various kinds of actors and which is cross-cutting, might provide tools to develop more complex accounts on global justice. The framework proposed to identify the types of responsibility/duty corresponding to various types of actors could potentially be applied to other concerns to help map obligations. Expanding the research pursued in this thesis as a meta-theoretical endeavour could potentially contribute to increasing the capacity of the mainstream global justice discourse not only to incorporate gender-concerns, but also to address the challenges inherent in constructing normative theories on a variety of intricate and tangled transnational processes involving various structural levels and a multitude of actors (and types of actors).

⁹³ Lichtenberg’s (2010; 2014) and Young’s (2003; 2004; 2006b; 2011) new conceptualisations of responsibility and their reasoning behind it could be interpreted as attempts to do this, even though they also have a particular type of agent (individuals) in focus.

Bibliography

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CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women
 EU: European Union
 EWL: European Women's Lobby
 FRA: Fundamental Rights Agency (of the European Union)
 GEF: Global Economic Forum
 ICC: International Criminal Court
 ITU: International Telecommunications Union
 OHCHR: Office of the High Commissioner for Human Rights (UN)
 LSHTM: London School of Hygiene and Tropical Medicine
 SAMRC: South African Medical Research Council
 UN: United Nations
 UNESCO: United Nations Educational, Scientific and Cultural Organization
 UNGA: United Nations General Assembly
 UNIFEM: United Nations Development Fund for Women
 UNODC: United Nations Office on Drugs and Crime
 UNSC: United Nations Security Council
 UNSD: United Nations Statistics Division
 VAWE: Violence Against Women Europe
 WHO: World Health Organization

- Abouharb, M.R. and Cingranelli, D.L. 2009. IMF programs and Human Rights 1981-2003. *Review of International Organizations*. **2009**(4), pp.47-72.
- Abu-Odeh, L. 1997. Comparatively Speaking: The Honor of the East and the Passion of the West. *Utah Law Review*. **1997**(2), pp.287-307.
- Acker, J. 1990. Hierarchies, jobs, bodies: A Theory of Gendered Organisations. *Gender & Society*. **4**(2), pp.139-158.
- Adams, D. 2000. Can Pornography Cause Rape? *Journal of Social Philosophy*. **31**(1), pp.1-43.
- Agarwal, B. 1997. "Bargaining" and Gender Relations: Within and Beyond the Household. In: *International Food Policy Research Institute: FCND Discussion Paper No. 27*. [Online]. [Accessed 3 June 2016]. Available from: <http://ageconsearch.umn.edu/bitstream/42661/2/dp27.pdf>
- Ahmed-Ghosh, H. 2004. Chattels of Society: Domestic violence in India. *Violence Against Women*. **10**(1) pp.94-118.
- Al-Ghanim K.A. 2009. Violence against women in Qatari Society. *Journal of Middle East Women's Studies*. **5**(1), pp.80-93.
- Alcoff, L.M. 2014. Discourses of Sexual Violence in a Global Context. In: Jaggar, A. ed. *Gender and Global Justice*. Cambridge: Polity Press, pp.119-146.
- Alexa. 2018. *The top 500 sites on the web*. [Online]. [Accessed 10 January 2018]. Available from: <http://www.alexa.com/topsites>
- Almosaed N. 2004. Violence against women: A cross-cultural perspective. *Journal of Muslim Minority Affairs*. **24**(1), pp.67-88.
- American Psychological Association, Task Force on the Sexualization of Girls. 2010. *Report of the APA Task Force on the Sexualization of Girls*. [Online]. [Accessed 9 January 2015]. Available from: <http://www.apa.org/pi/women/programs/girls/report-full.pdf>
- Anderson, S. 2014. The Economic of Dowry and Brideprice. *The Journal of Economic Perspectives*. **21**(4), pp.151-174.

- Arendt, H. 1963. *Eichmann in Jerusalem: A Report on the Banality of Evil*. New York: Viking Press.
- Arendt, H. 1987. Collective Responsibility. In: Bernauer, J.W. ed. *Explorations in the Faith and Thought of Hannah Arendt*. Boston: M. Nijhoff, pp.43-50.
- Arendt, H. 1994. Organized Guilt and Universal Responsibility. In: Kohn, J. ed. *Essays in Undersanding, 1930-1954*. New York: Harcourt-Brace, pp.121-132.
- Asefa, S. 1998. Female Genital Mutilation: Violence in the Name of Tradition, Religion, and Social Imperative. In: French, F.G., Teays, V. and Purdy, L. eds. *Violence Against Women: Philosophical Perspectives*. New York: Cornell University Press, pp.92-106.
- Awasthi, B. 2017. From Attire to Assault: Clothing, Objectification, and De-humanization – A Possible Prelude to Sexual Violence? *Frontiers in Psychology*. **8**:338. doi: 10.3389/fpsyg.2017.00338. Available from: <http://doi.org/10.3389/fpsyg.2017.00338>
- Baldry, A.C., Winkel, F.W. and Enthoven, D.S. 1997. Paralinguistic and nonverbal triggers of biased credibility assessments of rape victims in Dutch police officers: An experimental study on 'Nonevidentiary Bias'. In: Redondo, S. et al. eds. *Advances in Psychology and Law: International Contributions*. New York: De Gruyter, pp.163-174.
- Bancroft, L. 2003. *Why Does He Do That? Inside the minds of angry and controlling men*. London: Penguin Books.
- Bani, L.M. and Pate, H.A. 2015. Dissolution of Marriage (Divorce) under Islamic Law. *Journal of Law, Policy and Globalisation*. **42**(1) pp.138-143.
- Barnett, O.W., Lee, C.Y. and Thelen, R.E. 1997. Gender differences and attributions of self-defense and control in interpartner aggression. *Violence Against Women*. **3**(5), pp.462-481
- Bartky, S.L. 1990. *Femininity and Domination: Studies in the Phenomenology of Oppression*. New York: Routledge.
- Beauvoir, S. de. 1972. *The Second Sex*. Harmondsworth: Penguin.
- Beitz, C.R. 1975. Justice and International Relations. *Philosophy and Public Affairs*. **4**(4), pp.360-389.
- Beitz, C.R. 1979. *Political Theory and International Relations*. Princeton: Princeton University Press.
- Benería, L. 2009. From “Harmony” to “Cooperative Conflicts”: Amartya Sen’s Contribution to Household Theory. In: Basu, K. and Kanbur, R. eds. *Arguments for a Better World: Essays in Honor of Amartya Sen: Volume II: Society, Institutions, and Development*. Oxford: Oxford University Press, pp.202-2018.
- Benhabib, S. 2009. Claiming Rights Across Borders: International Human Rights and Democratic Sovereignty. *American Political Science Review*. **103**(4), pp.691-704.
- Berger, I. 2003. African Women's History: Themes and Perspectives. *Journal of Colonialism and Colonial History*. [Online]. **4**(1) [Accessed 4 April 2016]. Available from: <https://muse.jhu.edu/article/41705>
- Berger, I. 2008. Feminism, Patriarchy, and African Women’s History. *Journal of Women’s History*. **20**(2), pp.130–135.
- Bettcher, T. 2014. Feminist Perspectives on Trans Issues. In: Zalta, E. N. ed. *The Stanford Encyclopedia of Philosophy*. [Online]. Spring 2014 ed. [Accessed

- 5 December 2017]. Available from:
<https://plato.stanford.edu/archives/spr2014/entries/feminism-trans/>
- Biddulph, S. and Cook, S. 1999. Kidnapping and Selling Women and Children: The State's Construction and Response. *Violence Against Women*. **5**(12), pp.1437-1468.
- Bindel, J. 2018. The red light district of Amsterdam could soon be a distant memory – here's why. *Independent*. [Online]. 13 February. [Accessed 13 February 2018]. Available from:
<http://www.independent.co.uk/voices/amsterdam-red-light-district-failing-prostitution-sex-work-decriminalisation-doesnt-work-holland-a8206511.html>
- Block, C.R. 2003. How Can Practitioners Help an Abused Woman Lower Her Risk of Death? *National Institute of Justice Journal*. **2003**(250), pp.4-7.
- Bodelón, E. 2014. Violencia institucional y violencia de género. *Anales de la Cátedra Francisco Suárez* [Online]. **48**, pp.131-155. [Accessed February 3 2016]. Available from:
<http://revistaseug.ugr.es/index.php/acfs/article/view/2783>
- Bodelón, E. 2012. *Violencia de género y las respuestas de los sistemas penales*, Buenos Aires: Ediciones Didot.
- Borrajo, E. Gámez-Guadix, M. and Calvete, E. 2015. Justification beliefs of violence, myths about love and cyber dating abuse. *Psicothema*. **27**(4), pp.327-333.
- Bourdieu, P. 2004. Gender and Symbolic Violence. In: Scheper-Hughes, N. and Bourgois, P.I. eds. *Violence in War and Peace: An Anthology*. Oxford: Blackwell, pp.339-433.
- Bourdieu, Pierre. 2001. *Masculine Domination*. Stanford: Stanford University Press.
- Boyle, K. 2017. [Forthcoming]. What's in a name? Theorising the inter-relationships of gender and violence. *Feminist Theory*. [Online]. [Accessed 12 November 2017]. Available from:
<https://dspace.stir.ac.uk/bitstream/1893/25787/1/What-s%20in%20a%20name%20-%20CLEAN%20edit.pdf>
- Broadhead, L.A. 2000. Re-Packaging the Notions of Security: A Sceptical Feminist Response to Recent Efforts. In: Jacobs, S., Jacobson, R. and Marchbank, J. eds. *States of Conflict: Gender, Violence and Resistance*. London: Zed Books, pp.27-45.
- Brownmiller, S. 1975. *Against Our Will: Men, Women and Rape*. New York: The Ballantine Publishing Group.
- Bruns, C. 2014. Perspectives of Women Victims of Wealthy Batterers: Is Justice Served? *Global Journal of Human-Social Science Research (C)*. **14**(2), pp.1-21.
- Buchanan, A. 2000. Rawls's law of peoples: rules for a vanished Westphalian world. *Ethics*. **110**(4), pp.689-721.
- Buchanan, A. 2004. *Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law*. Oxford: Oxford University Press.
- Buchwald, E., Roth, M. and Fletcher, P.R. eds. 1995. *Transforming a Rape Culture*. Minneapolis: Milkweed Editions.
- Buel, S.M. 1999. Fifty Obstacles to Leaving, *a.k.a.*, Why Abuse Victims Stay. *The Colorado Lawyer*. **28**(10), pp.19-28.

- Bunch, C. 1990 Women's Rights as Human Rights: Toward a Re-Vision of Human Rights. *Human Rights Quarterly*. **12**(4), pp.486-498.
- Burch, C.S. 2004. The Unmet Needs of Domestic Violence Victims and Their Children in Hague Child Abduction Convention Cases. *Family Law Quarterly*. **38**, pp.529-545.
- Burgess-Jackson, K., 1996. *Rape: A Philosophical Investigation*, Brookfield, VT: Dartmouth Publishing Company.
- Burt, M.R. 1980. Cultural myths and supports for rape. *Journal of Personality and Social Psychology*. **38**(2), pp.217-230.
- Burton, B., Duvvury, N. and Varia, N. 2000. *Justice, Change and Human Rights: International Research and Responses to Domestic Violence*. Washington: International Center for Research on Women.
- Butler, J. 1990. *Gender trouble: Feminism and the subversion of identity*. New York: Routledge.
- Buzawa, E.S., Buzawa, C.G. and Stark, E. 2012. *Responding to Domestic Violence: The Integration of Criminal Justice and Human Services*. 4th ed. London: Sage.
- Casas Vila, G. 2013. Mediazione familiare e violenza domestica: prospettive internazionali. In: Romito, P. and Melato, M. eds. *La violenza sulle donne e sui minori - Una guida per chi lavora sul campo*. Roma: Carocci Faber, pp.159-164.
- CEDAW Committee. 1992. *General recommendation No. 19, 11th session 1992*. General Assembly Official Records A/47/38 [Online]. [Accessed 10 January 2018]. Available from: [http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=A%2F47%2F38\(SUPP\)&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=A%2F47%2F38(SUPP)&Lang=en)
- CEDAW Committee. 2017. *Country reports*. [Online]. [Accessed 25 November 2017]. Available from: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=29
- CEDAW. 1979. United Nations General Assembly. 1979. *Resolution 34/180: Convention on the Elimination of All Forms of Discrimination against Women (18 December 1979)*. [Online]. A/RES/34/180. [Accessed 28 April 2015]. Available from: <http://www.un.org/documents/ga/res/34/a34res180.pdf>
- Chandhoke, N. 2010. "How Much is Enough, Mr Thomas? How Much Will Ever Be Enough?" In: Jaggar, A. ed. *Thomas Pogge and His Critics*. Cambridge: Polity Press, pp.66-83.
- Choice, P. and Lamke, L. 1997. A Conceptual Approach to Understanding Abused Women's Stay/Leave Decisions. *Journal of Family Issues*. **18**(3), pp.290-314.
- Chowdhury, F.D. 2010. Dowry, Women and the Law in Bangladesh. *International Journal of Law, Policy and Family*. **24**(2), pp.198-122.
- Chuang, J.A. 2010. Achieving Accountability for Migrant Domestic Worker Abuse, *North Carolina Law Review*. **88**(5), pp.1627-1656.
- Ci, J. 2010. What Negative Duties? Which Moral Universalism? In: Jaggar, A. ed. *Thomas Pogge and His Critics*. Cambridge: Polity Press, pp.84-102.
- Cianciarulo, M.S. 2012. Batterers as Agents of the State: Challenging the Public/Private Distinction in Intimate Partner Violence-Based Asylum Claims. *Harvard Journal of Law and Gender*. **35**(1), pp.117-166.

- Cohen, J. 2010. Philosophy, Social Science, Global Poverty. In: Jaggar, A. ed. *Thomas Pogge and His Critics*. Cambridge: Polity Press, pp.18-45.
- Collins, P.H. 2000. *Black Feminist Thought: knowledge, consciousness, and the politics of empowerment*. New York: Routledge.
- Connell, R.W. 1990. The state, gender, and sexual politics. *Theory & Society*. **19**(5), pp.507-544.
- Cook, L. et. al. 2011. Emerging Issues in the Measurement of Rape Victimization. *Violence Against Women*. **17**(2), pp.201–218.
- Costa, M.V. 2010. *Rawls, Citizenship, and Education*. London: Routledge.
- Crawley, H. 2000. Engendering the State in Refugee Women's Claims for Asylum. In: Jacobs, S., Jacobson, R. and Marchbank, J. eds. *States of Conflict: Gender, Violence and Resistance*. London: Zed Books, pp.87-104.
- Crenshaw, K. 1989. Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics. *University of Chicago Legal Forum*. **1**(8) pp.139–167.
- Cruft, R. 2005. Human rights and positive duties. *Ethics and International Affairs*. **19**(1), pp.29-37.
- Dandash, K.F., Amany, H.R. and Eyada, M. 2011. Female Genital Mutilation: A Prospective View. *Journal of Sex and Marital Therapy*. **27**(5), pp.459-464.
- Das Gupta, M. et. al. 2003. Why is son preference so persistent in East and South Asia? A cross-country study of China, India and the Republic of Korea. *The Journal of Development Studies*. **40**(2), pp.153-187.
- Daskal, S. 2013. Confining Pogge's Analysis of Global Poverty to Genuinely Negative Duties. *Ethical Theory and Moral Practice*. **16**(2), pp.369-391.
- Davis, A.Y. 1983. Rape, Racism and the Myth of the Black Rapist. In: Davis, A. *Women, Race and Class*. New York: Random House, pp.172-201.
- de Vaus et al. 2015. *The economic consequences of divorce in six OECD countries* (Research Report No.31) Melbourne: Australian Institute of Family Studies. [Online]. [Accessed 12 December 2017]. Available from: <https://aifs.gov.au/sites/default/files/publication-documents/rr31.pdf>
- DeKeseredy, W.S. 2000. Current Controversies on Defining Nonlethal Violence Against Women in Intimate Heterosexual Relationships: Empirical Implications. *Violence Against Women*. **6**(7), pp.728-746.
- DeKeseredy, W.S. and Schwartz, M.D. 2005. Masculinities and Interpersonal Violence. In: Kimmel, M.S., Hearn, J. and Connell, R.W. eds. *Handbook of Studies on Men and Masculinities*. CA: Sage, pp.353-366.
- Dempsey, M.M. 2006. What Counts as Domestic Violence? A Conceptual Analysis. *William & Mary Journal of Women and the Law*. **12**(2), pp.301-333.
- Dempsey, M.M. 2009. *Prosecuting Domestic Violence: A Philosophical Analysis*. New York: Oxford University Press.
- di Silvio, L. 2011. Correcting Corrective Rape: Carmichele and Developing South Africa's Affirmative Obligations to Prevent Violence Against Women. *Georgetown Law Journal*. **99**(5), pp.1469–1515.
- Diken, B. and Laustsen C.B. 2005. Becoming Abject: Rape as a Weapon of War. *Body and Society*. **11**(1), pp.111-128.
- Dines, G. 2010. *Pornland: How Porn Has Hijacked Our Sexuality*. Boston: Beacon Press.

- Dines, G. 2013. Grooming our girls: hypersexualization of the culture as child sexual abuse. In: Wild, J. ed. *Exploiting childhood: how fast food, material obsession and porn culture are creating new forms of child abuse*. London: Jessica Kingsley Publishers, pp.116–129.
- Dines, G., Jensen, B. and Russo, A. 1998. *Pornography: The Production and Consumption of Inequality*. London: Routledge.
- Diop, N.J. and Askew, I. 2009. The Effectiveness of a Community-based Education Program on Abandoning Female Genital Mutilation/Cutting in Senegal. *Studies in Family Planning*. **40**(4), pp.307-318.
- Diu, N.L. 2013. Welcome to Paradise. *The Telegraph*. [Online]. Project 2013. [Accessed 1 December 2017]. Available from: <http://s.telegraph.co.uk/graphics/projects/welcome-to-paradise/index.html>
- Dixon, H., Hope, C. and Yorke, H. 2018. Oxfam scandal deepens with allegations of ‘sex for aid’ and abuse in charity shops. *Telegraph*. [Online]. 12 February. [Accessed 12 February 2018]. Available from: <http://www.telegraph.co.uk/news/2018/02/12/oxfam-scandal-deepens-allegations-sex-aid-abuse-charity-shops/>
- Dobash, R.E. and Dobash R. 1979. *Violence Against Wives: A Case Against the Patriarchy*. New York: Free Press.
- Dobash, R.E. and Dobash R. 1984. The Nature and Antecedents of Violent Events. *British Journal of Criminology*. **24**(3), pp.263-288.
- Dobash, R.E. and Dobash R. 1998. Separate and Intersecting Realities: A Comparison of Men's and Women's Accounts of Violence Against Women. *Violence Against Women*. **4**(4), pp.382-414.
- Domestic Abuse Intervention Project in Duluth. 1984. *The Power and Control Wheel*. [Online] Duluth: Domestic Abuse Intervention Programs. [Accessed 5 June 2014] Available from: <http://www.theduluthmodel.org/pdf/PowerandControl.pdf>
- Donaldson, S. 2004. Hooking Up: Protective Pairing for Punks. In: Scheper-Hughes, N. and Bourgois, P.I. eds. *Violence in War and Peace: An Anthology*. Oxford: Blackwell, pp.348-353.
- Donnelly, Jack. 1984. Cultural Relativism and Universal Human Rights. *Human Rights Quarterly*. **6**(4), pp.400-419.
- Donnelly, Jack. 2003. *Universal Human Rights in Theory and Practice*. 2nd ed. Ithaca: Cornell University Press.
- Duff, K. 2016. *Policing Politics in Actually Existing Liberalism: The concept of the criminal and the silencing of dissent*. Rebellion, Resistance, Revolution ASPP Annual Conference, 28 June. London School of Economics and Political Science.
- Dugan, L., Nagin D. and Rosenfeld, R. 1999. Explaining the Decline in Intimate Partner Homicide: The Effect of Changing Domesticity, Women's Status and Domestic Violence Resources. *Homicide Studies*. **3**(3), pp.187–214.
- Duits, L. and van Zoonen, L. 2006. Headscarves and Porno-Chic: Disciplining Girls' Bodies in the European Multicultural Society. *European Journal of Women's Studies*. **13**(2), pp.103-117.
- Dworkin, A. 1989. *Pornography: Men Possessing Women*. London: Penguin Books.
- Edelson, J. and Lindhorst, T. 2015. *Multiple Perspectives on Battered Mothers and their Children Fleeing to the United States for Safety: A study of Hague*

- Convention cases*. Scholar's Choice ed. Rochester, New York: Scholar's Choice.
- Edwards, A. 2011. *Violence Against Women Under International Human Rights Law*. Cambridge: Cambridge University Press.
- Edwards, S.R., Bradshaw, K.A. and Hinsz, V.B. 2014. Denying Rape but Endorsing Forceful Intercourse: Exploring Differences Among Responders. *Violence and Gender*. **1**(4), pp.188-193.
- Ehrenreich, N. 2002. Subordination and Symbiosis: Mechanisms of Mutual Support Between Subordinating Systems. *UMKC Law Review*. **71**(2), pp.251-323.
- Előd, F. 2016. Szexi egyetemista gazdag szeretőt keres. *Index*. [Online]. 18 November. [Accessed 19 November 2016]. Available from: http://index.hu/gazdasag/2016/11/18/puncs.hu_sugar_daddy_tarskereso/
- Enloe, C. 2014. *Bananas, Beaches and Bases: Making Feminist Sense of International Relations Politics*. 2nd ed. Berkeley: University of California Press.
- Epstein, H. and Jewkes, R. 2009. The myth of the virgin rape myth. *The Lancet*. **374**, p.1419
- Esteban, G. M. L., Medina, D. R. M., Távora, R. A. 2005. ¿Por qué analizar el amor? nuevas posibilidades para el estudio de las desigualdades de género. *Simposio 'Cambios culturales y desigualdades de género en el marco local-global actual'*. 19-22 September 2005. Available from: <http://cdd.emakumeak.org/ficheros/0000/0599/Sevilla-05122.pdf>
- EWL. 2012. *The price of austerity: The impact on women's rights and gender equality in Europe*. Brussels: European Women's Lobby.
- Falk, R.A. 1981. *Human Rights and State Sovereignty*. New York: Holmes & Meyer.
- Farmer, A. and Thiefertaler, J. 1997. An Economic Analysis of Domestic Violence. *Review of Social Economy*. **55**(3), pp.337-358.
- Fawole, O.I. 2008. Economic Violence to Women and Girls: Is It Receiving the Necessary Attention? *Trauma, Violence and Abuse*. **9**(3), pp.167-177.
- Fearon, J. and Hoeffler, A. 2014. *Conflict and Violence Assessment Paper: Benefits and Costs of the Conflict and Violence Targets for the Post-2015 Development Agenda*. Copenhagen: Copenhagen Consensus Center.
- Fennell, S. and Arnot, M. eds. 2008. *Gender Education and Equality in a Global Context: Conceptual Frameworks and policy perspectives*. London: Routledge.
- Ferguson, A. and Folbre, N. 1981. The Unhappy Marriage of Capitalism and Patriarchy. In: Sargent, L. ed. 1981. *Women and Revolution*, Boston: South End Press, pp.313-338.
- Ferguson, A. and Hennessy, R. 2016. Feminist Perspectives on Class and Work. In: *The Stanford Encyclopedia of Philosophy*. Zalta, E.N. ed. Winter 2016 ed. [Online]. [Accessed 10 January 2017]. Available from: <http://plato.stanford.edu/archives/spr2016/entries/feminism-class/>
- Fiske, E.B. 2012. *World Atlas of Gender Inequality in Education*. Paris: UNESCO.
- Fox, K. and Diehm, J. 2017. #MeToo's global movement: the anatomy of a viral campaign. *CNN*. [Online]. 9 November. [Accessed 11 November 2017]. Available from: <https://edition.cnn.com/2017/11/09/world/metoo-hashtag-global-movement/index.html>

- Fraser, N. 1993. Beyond the Master/Subject Model: Reflections on Carole Pateman's Sexual Contract. *Social Text*. **1993**(37), pp.173-181.
- Fraser, N. 1996. *Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation*. Salt Lake City, UT: University of Utah, Tanner Humanities Center.
- Fraser, N. 2007. Feminist Politics in the Age of Recognition: A Two-Dimensional Approach to Gender Justice. *Studies in Social Justice*, 1(1), pp.23-35.
- Fraser, N. 2008a. *Scales of Justice: Reimagining Political Space in a Globalizing World*. Cambridge: Polity Press.
- Fraser, N. 2008b. Abnormal Justice. *Critical Inquiry*. **34**(3), pp.393-422.
- Fraser, N. 2008c. *Adding Insult to Injury: Nancy Fraser Debates Her Critics*. (Edited by Kevin Olson). London: Verso.
- Friedman, M. 2003. *Autonomy, Gender, Politics*. Oxford: Oxford University Press.
- Fulu, E. et al. 2013. Prevalence of and factors associated with male perpetration of intimate partner violence: findings from the UN Multi-country Cross-sectional Study on Men and Violence in Asia and the Pacific. *The Lancet Global Health*. **1**(4), e187-e207.
- FRA. 2012. *Violence against Women Survey*. [Online]. [Accessed 25 November 2016]. Available from: http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey?locale=EN&dataSource=VAW&media=png&width=740&plot=heatMap&topic=1.+Physical%2C+sexual+and+psychological+violence&question=DVS_A01&superSubset=1&subset=AllSubset&subsetValue=01--All&answer=01--Yes
- Galtung, J. 1969. Violence, Peace, and Peace Research. *Journal of Peace Research*. **6**(3), pp.167-191.
- García-Moreno, C. et al. 2006. Prevalence of intimate partner violence: findings from the WHO multi-country study on women's health and domestic violence. *The Lancet*. **368**(9543), pp.1260-1269.
- García-Moreno, C. and Watts, C. 2011. Violence against women: an urgent public health priority. *WHO Bulletin*. [Online]. **89**(1), pp.2-3. [Accessed 25 November 2016]. Available from: http://www.who.int/reproductivehealth/publications/violence/bulletin_88_12/en/
- García, H. and Soriano, E. 2017. The Romantic Ideal of Men and Women Involved in the Relationship of Friends with Benefits. *Procedia – Social and Behavioral Sciences*. **237**, pp.203-208.
- Gavison, R. 1992. Feminism and the Public/Private Distinction. *Stanford Law Review*. **45**(1), pp.1-45.
- Gilligan, J. 1997. *Violence: Reflections on a National Epidemic*. London: Vintage.
- Gipson, J. and Hicks, A. 2017. The Delinking of Sex and Marriage: Pathways to Fertility among Young Filipino Women. *Journal of Biosocial Science*. **49**(1), pp.1-14.
- Girshick, L.B. 2002. No Sugar No Spice: Reflections on Woman-to-Woman Sexual Violence. *Violence Against Women*. **8**(12), pp.1500-1520.
- GEF. 2015. *The Global Gender Gap Report 2015*. [Online]. [Accessed 1 March 2017]. Available from: <http://www3.weforum.org/docs/GGGR2015/The%20Global%20Gender%20Gap%20Index%202015.pdf>

- Goodin, R. 2009. Demandingness as a Virtue. *The Journal of Ethics*. **13**(1), pp.1-13.
- Gould, C. C. 2008. Conceptualizing Women's Human Rights. In: Brooks, T. ed. *The Global Justice Reader*. Oxford: Blackwell Publishing, pp.650-661.
- Graham, K. et. al. 2014. "Blurred Lines?" Sexual Aggression and Barroom Culture. *Alcoholism: Clinical and Experimental Research*. **38**(5), pp.1416-1424.
- Grubb, A. and Turner, E. 2012. Attribution of blame in rape cases: A review of the impact of rape myth acceptance, gender role conformity and substance use on victim blaming. *Aggression and Violent Behavior*. **17**(5), pp.443-452.
- Guerrero, L.A. 2013. The force-feeding of young girls: Mauritania's failure to enforce preventive measures and comply with the convention on the elimination of all forms of discrimination against women. *Transnational Law and Contemporary Problems*. **21**(3), pp.879-910.
- Guyt, H. 2013. Webcam child sex tourism – a sordid off-shoot of the social media revolution. *thejournal.ie* [Online]. 10 November. [Accessed 10 October 2017]. Available from: <http://www.thejournal.ie/readme/webcam-child-sex-tourism-%E2%80%93-a-sordid-off-shoot-of-the-social-media-revolution-1167076-Nov2013/>
- Harris, A.P. 1990. Race and Essentialism in Feminist Legal Theory. *Stanford Law Review*. **42**, pp.581-616.
- Hartmann, H. 1979. The Unhappy Marriage of Marxism and Feminism: Toward a More Progressive Union. *Capital and Class*. **3**(2), pp.1-33.
- Harvey, A., Garcia-Moreno, C. and Butchart, A. 2007. Primary Prevention of Intimate-partner Violence and Sexual Violence: Background Paper for WHO Expert Meeting, 2007 May 2-3. Geneva: WHO. [Online]. [Accessed 1 March 2017]. Available from: www.who.int/violence_injury_prevention/publications/violence/IPV-SV.pdf
- Haslanger, S. 1995. Ontology and Social Construction. *Philosophical Topics*. **23**(2), pp.95–125.
- Haslanger, S. 2000. Gender and Race: (What) Are They? (What) Do We Want Them To Be? *NOUS*. **34**(1), pp.31-55.
- Hawthorne, S. 2005. Ancient Hatred and Its Contemporary Manifestation: The Torture of Lesbians. *Journal of Hate Studies*. **(4)**1, pp.35-58.
- Hayes, B.E. 2015. Indirect Abuse Involving the Separation Process. *Journal of Interpersonal Violence*. [Online]. 27 July. [Accessed 25 March 2017]. Available from: [10.1177/0886260515596533](https://doi.org/10.1177/0886260515596533)
- HCCH. 1980. Hague Conference on Private International Law. Convention on the Civil Aspects of International Child Abduction, 25 October 1980. [Online]. [Accessed 10 July 2016]. Available from: <https://www.hcch.net/en/instruments/conventions/full-text/?cid=24>
- Heise, L. 2011. *What Works to Prevent Partner Violence? An evidence overview*. London: STRIVE.
- Heise, L. 1998. Violence Against Women: An Integrated, Ecological Framework. *Violence Against Women*. **4**(3), pp.262 – 290.
- Hélie, A. 2012. Problematizing "Autonomy" and "Tradition" with Regard to Veiling: A Reponse to Seval Yildirim. *Santa Clara Journal of International Law*. **10**(1), pp.93-105.

- Herman, J. 2006. *Miért marad?* Budapest: NANE Egyesület.
- Hester, M. 2011. The Three Planet Model: Towards an Understanding of Contradictions in Approaches to Women and Children's Safety in Contexts of Domestic Violence. *British Journal of Social Work*. **41**(5), pp.837-853.
- Hester, M. 2015. Theorizing male power and violence against women: Revisiting Millett's *Sexual Politics*. In: Aghataie, N. and Gangoli, G. eds. *Understanding Gender Based Violence: National and International Contexts*. New York: Routledge, pp.17-30.
- Higate P. and Hopton J. 2005. War Militarism and Masculinities. In: Kimmel et al. eds. *Handbook of Studies on Men and Masculinities*. CA: Sage, pp.432-447.
- Hoodfar, H. 2001. The Veil in Their Minds and on Our Heads: Veiling Practices and Muslim Women (1997). In: Castelli, E. and Rodman, R. eds. *Women, Gender, Religion: A Reader*. New York: Palgrave, pp.420-446.
- hooks, b. 1981. *Ain't I a Woman: Black Women and Feminism*. Boston: South End Press.
- Hughes, D.M. 2000. 'Welcome to the rape camp': Sexual exploitation and the internet in cambodia. *Journal of Sexual Aggression*. **6**(1-2), pp.29-51.
- Hunnicut, G. 2009. Varieties of Patriarchy and Violence Against Women: Resurrecting "Patriarchy" as a Theoretical Tool. *Violence Against Women*. **15**(5), pp.553-573.
- Imran, R. 2005. Legal Injustices: The Zina Hudood Ordinance of Pakistan and Its Implication for Women. *Journal of International Women's Studies*. **7**(2), pp.78-100.
- Inlander, T. 2009. Status Quo or a Sixth Ground? Adjudicating Gender Asylum Claims. In: Benhabib, S. and Resnik, J. eds. *Migrations and Mobilities: Citizenship, Borders, and Gender*. New York: New York University Press, pp.356-379.
- Innocent, M. et. al. 2012. Breaking the Silence: Understanding the Practice of Breast Ironing in Cameroon. *The African Journal of Health Sciences*. **2012**(23), pp.232-237.
- ITU. 2017. *ICT Facts and figures 2017*. [Online]. Geneva: International Telecommunications Union. [Accessed 9 October 2017]. Available from: <http://www.itu.int/en/ITU-D/Statistics/Documents/facts/ICTFactsFigures2017.pdf>
- Ituarte, S. 2007. Victim-blaming Theory. In: Jackson, N. A. ed. *Encyclopedia of Domestic Violence*. London: Routledge, pp.715-718.
- Jaggar, A. 1983. *Feminist Politics and Human Nature*. Oxford: Rowman & Littlefield.
- Jaggar, A. 2005, 'Saving Amina': Global Justice for Women and Intercultural Dialogue. *Ethics & International Affairs*. **19**(3), pp.55-75.
- Jaggar, A. 2009. Transnational Cycles of Gendered Vulnerability: A Prologue to a Theory of Global Gender Injustice. *Philosophical Topics*. **37**(2), pp.33-52.
- Jaggar, A. 2014a. Introduction: Gender and Global Justice: Rethinking Some Basic Assumptions of Western Political Philosophy. In: Jaggar, A. ed. *Gender and Global Justice*. Cambridge: Polity Press, pp.1-17.
- Jaggar, A. 2014b. Transnational Cycles of Gendered Vulnerability: A Prologue to a Theory of Global Gender Justice. In: Jaggar, A. ed. *Gender and Global Justice*. Cambridge: Polity Press, pp.18-39.

- Jaggar, A. 2014c. "Are my hands clean?" Responsibility for Global Gender Disparities. In: Meyers, D. T ed. *Poverty, Agency and Human Rights*. Oxford: Oxford University Press, pp.170-198.
- Jahan, R. 1995. *The Elusive Agenda: Mainstreaming Women in Development*. London: Zed Books.
- Jakobsen, H. 2014. What's Gendered About Gender-Based Violence? An Empirically Grounded Theoretical Exploration from Tanzania. *Gender and Society*. **28**(4), pp.537-561.
- Jeffries, S. 2016. In the Best Interests of the Abuser: Coercive Control, Child Custody Proceedings and the "Expert" Assessments That Guide Judicial Determinations. *Laws*. **5**(1), 14. [Accessed 30 April 2017]. Available from: <http://www.mdpi.com/2075-471X/5/1/14>
- Jeffreys, S. 2005. *Beauty and Misogyny: Harmful Cultural Practices in the West*. London: Routledge.
- Jenkins, S. 2008. *Marital splits and income changes over the long term*. ESRC Research paper 2008-07. ISER Working Paper Series. [Online]. [Accessed 12 December 2017]. Available from: https://www.iser.essex.ac.uk/files/iser_working_papers/2008-07.pdf
- Jensen, R. 2017. *The End of Patriarchy: Radical Feminism for Men*. North Melbourne, Victoria: Spinifex Press.
- Jewkes, R. 2002. Intimate partner violence: causes and prevention. *The Lancet*. **359**(9315), pp.1423-1429.
- Jewkes, R. et al. 2013. Prevalence of and factors associated with non-partner rape perpetration: findings from the UN Multi-country Cross-sectional Study on Men and Violence in Asia and the Pacific. *The Lancet Global Health*. [Online]. **1**(4), e208-e218. [Accessed 10 November 2017]. Available from: [https://doi.org/10.1016/S2214-109X\(13\)70069-X](https://doi.org/10.1016/S2214-109X(13)70069-X)
- Jewkes, R. et. al. 2011. Gender inequitable masculinity and sexual entitlement in rape perpetration South Africa: findings of a cross-sectional study. *PLoS One*. [Online]. **6**(12), e29590. [Accessed 10 November 2017]. Available from: <https://doi.org/10.1371/journal.pone.0029590>
- Jewkes, R., Martin, L. and Penn-Kekana, L. 2002a. The virgin cleansing myth: cases of child rape are not exotic. *The Lancet*. **359**, p.711.
- Jewkes, R., Sen P. and Garcia-Moreno C. 2002b. Sexual Violence. In: Krug E.G. et al. eds. *World report on violence and health*. Geneva: World Health Organization, pp.149–181.
- Johnson M.P. 1995. Patriarchal Terrorism and Common Couple Violence: Two Forms of Violence Against Women. *Journal of Marriage and the Family*. **57**(2), pp.283-294.
- Johnson M.P. 2008. *A Typology of Domestic Violence: Intimate Terrorism, Violent Resistance, and Situational Couple Violence*. NH: Northeastern University Press.
- Johnson, A.G. 2005. *Gender Knot: Unraveling Our Patriarchal Legacy*. Delhi: Pearson.
- Jordaan, E. 2010. Questioning Thomas Pogge's Proposals to Eradicate Global Poverty. *Global Society*. **24**(2), pp.231-253.
- Jordan, J. 2004. Beyond Belief?: Police, Rape and Women's Credibility. *Criminal Justice*. **4**(1), pp.29-59.
- Kahn, E. 2018. Iris Young, Bad Dates and #MeToo. *Justice Everywhere – a blog about justice in public affairs*. [Online]. 22 January. [Accessed 22 January

- 2018]. Available from: <http://justice-everywhere.org/gender/iris-young-bad-dates-and-metoo/>
- Kale, S. 2017. German Political Party Suggests Paying for Disabled People to Visit Sex Workers. *Vice: Broadly*. [Online]. 9 January. [Accessed 12 November 2017]. Available from: https://broadly.vice.com/en_us/article/gyxgby/germany-green-party-suggests-paying-disabled-people-visit-sex-workers
- Kalra, G. and Bhugra, D. 2013. Sexual violence against women: Understanding cross-cultural intersections. *Indian Journal of Psychiatry*. **55**(3), pp.244–249.
- Kandiyoti, D. 1988. Bargaining with Patriarchy. *Gender and Society*. **2**(3), pp.274-290.
- Karamah: Muslim Women Lawyers for Human Rights. 2011. *Zina, Rape and Islamic Law: An Islamic Legal Analysis of the Rape Laws in Pakistan. Position paper*. [Online]. [Accessed 3 April 2017]. Available from: <http://karamah.org/wp-content/uploads/2011/10/Zina-Rape-and-Islamic-Law-An-Islamic-Legal-Analysis-of-the-Rape-Laws-in-Pakistan1.pdf>
- Karamessini, M. and Rubery, J. eds. 2014. *Women and austerity: the economic crisis and the future for gender equality*. London: Routledge.
- Katz, E. 1997. The Intra-Household Economics of Voice and Exit. *Feminist Economics*. **3**(3), pp.25-46.
- Kaye, D. et. al. 2005. Implications of bride price on domestic violence and reproductive health in Wakiso District, Uganda. *African Health Sciences*. **5**(4), pp.300-303.
- Kazan, P. 1998. Sexual Assault and the Problem of Consent. In: French, F.G., Teays, V. and Purdy, L. eds. *Violence Against Women: Philosophical Perspectives*. New York: Cornell University Press, pp.27-42.
- Kelland, L. 2014. The Harm of Male-on-Female Rape: A Response to David Benatar. *Journal of Interpersonal Violence*. **29**(15), pp.2775-2791.
- Kelly, L. 1988. *Surviving Sexual Violence*. Cambridge: Polity Press.
- Kelly, L. 2000. Wars Against Women: Sexual Violence, Sexual Politics and the Militarized State. In: Jacobs, S., Jacobson, R. and Marchbank, J. eds. *States of Conflict: Gender, Violence and Resistance*. London: Zed Books, pp.45-65.
- Kelly, L. 2010. The (In)credible Words of Women: False Allegations in European Rape Research. *Violence Against Women*. **16**(12), pp.1345-1355.
- Kelly, L. 2012. Standing the Test of Time? Reflections on the Concept of the Continuum of Sexual Violence. In: Brown, J.M. and Walklate, S.L. eds. *Handbook on Sexual Violence*. London: Routledge, xvii–xxvi.
- Kelly, L. 2016. The conducive context of violence against women and girls. *Discovery Society*. [Online]. 1 March. [Accessed 20 April 2017]. Available from: <https://discoversociety.org/2016/03/01/theorising-violence-against-women-and-girls/>
- Kimmel, M.S., Hearn, J.R and Connell, R.W. eds. 2005. *Handbook of Studies on Men and Masculinities*. CA: Sage.
- Korab-Karpowicz, W.J. 2017. Political Realism in International Relations. In: Zalta, E.N. ed. *The Stanford Encyclopedia of Philosophy*. [Online]. Summer 2017 ed. [Accessed 5 December 2017]. Available from: <https://plato.stanford.edu/archives/sum2017/entries/realism-intl-relations>

- Krug E.G., Dahlberg, L.L., Mercy, J.A., Zwi, A.B. and Lozano, R. eds. 2002. *World report on violence and health*. Geneva: World Health Organization, pp.149–181.
- Kupers, T.A. 2001. Rape and the Prison Code. In: Sabo, D.F., Kupers, T.A. and London W. eds. *Prison Masculinities*. Philadelphia: Temple University Press, pp.111-117.
- Lane, J. 2013. Theoretical explanations for gender differences in fear of crime. In: Renzetti, C.M., Miller, S.L. and Gover, A.R. eds. *Routledge International Handbook of Crime and Gender Studies: Routledge Handbooks Online*. [Online]. [Accessed: 10 September 2017]. Available from: https://www.routledgehandbooks.com/doi/10.4324/9780203832516.ch3#ref_3_39
- Le, N. 2016. Are Human Rights Universal or Culturally Relative? *Peace Review: A Journal of Social Justice*. **28**(2), pp.203-211.
- Leeder, E. 2004. *The Family in Global Perspective: A Gendered Journey*. London: Sage.
- Lerner, G., 1986, *The Creation of Patriarchy*, New York: Oxford University Press.
- Levin, S.A. 2003. Sexual Exploitation of Refugee Children by U.N. Peacekeepers. *New York Law School Journal of Human Rights*. **19**(3), pp.833-842.
- Libal, K. and Parekh, S. 2009. Reframing Violence Against Women as a Human Rights Violation: Evan Stark's Coercive Control. *Violence Against Women*. **15**(2), pp.1477-1489.
- Lichtenberg, J. 2010. Negative Duties, Positive Duties, and the “New Harms”. *Ethics*. **120**(3), pp.557-578.
- Lichtenberg, J. 2014. *Distant Strangers: Ethics, Psychology, and Global Poverty*. Cambridge: Cambridge University Press.
- Littleton, H., Radecki Breitkopf, C. and Berenson, A. 2008. Beyond the Campus: Unacknowledged Rape Among Low-Income Women. *Violence Against Women*. **14**(3), pp.269-286.
- Lloyd, K. A. 2000. Wives for Sale: The Modern International Mail-Order Bride Industry. *Northwestern Journal of International Law & Business*. **20**(341), pp.432-361.
- Lloyd, R. 2011. *Girls Like Us*. New York: Harper Collins.
- Lombardo, E. 2016. *Gender equality policies in Spain - update*. [Online]. Brussels: European Union. [Accessed: 14 February 2017]. [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/583112/IPOL_STU\(2016\)583112_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/583112/IPOL_STU(2016)583112_EN.pdf).
- Lugones M.C. and Spelman E. 1983. Have we got a theory for you! Feminist theory, cultural imperialism and the demand for “the woman’s voice”. *Women’s Studies International Forum*. **6**(6), pp.573-581.
- Lynch, C. 2011. U.N. Halted Probe of Officers’ Alleged Role in Sex Trafficking. *The Washington Post*. [Online]. 27 December. [Accessed 13 February 2018]. Available from: https://www.washingtonpost.com/archive/politics/2001/12/27/un-halted-probe-of-officers-alleged-role-in-sex-trafficking/2e2465f3-32b4-42ff-a8df-7a8108e4b9ee/?utm_term=.6c54409c6931
- MacKinnon, C.A. 1987. *Feminism Unmodified: Discourses on Life and Law*. London: Harvard University Press.

- MacKinnon, C.A. 1989a. Sexuality, Pornography, and Method: "Pleasure under Patriarchy". *Ethics*. **99**(2), pp.314-346.
- MacKinnon, C.A. 1989b. *Towards a Feminist Theory of the State*. Cambridge: Harvard University Press.
- MacKinnon, C.A. 1993. Crimes of War, Crimes of Peace. *UCLA Women's Law Journal*. **4**(1), pp.59-86.
- MacKinnon, C.A. 1994. Towards a Feminist Jurisprudence. In: Jaggar, A. ed. *Living with Contradictions: Controversies in Feminist Social Ethics*. Boulder: Westview Press, pp.34-39.
- MacKinnon, C.A. 1998. Rape, Genocide and Women's Human Rights. In: French, F. G., Teays, V. and Purdy, L. eds. *Violence Against Women: Philosophical Perspectives*. New York: Cornell University Press, pp.43-56.
- MacKinnon, C.A. 2002. Who Will Declare a War on Terrorism against Women? *The Women's Review of Books*. **19**(6), pp.7-8.
- MacKinnon, C.A. 2005. *Women's Lives, Men's Laws*. Cambridge: Harvard University Press.
- MacKinnon, C.A. 2006a. *Are Women Human? And Other International Dialogues*. Cambridge: Harvard University Press.
- MacKinnon, C.A. 2006b. Women's September 11th: Rethinking the International Law of Conflict. *Harvard International Law Journal*. **47**(1), pp.1-32.
- MacKinnon, C.A. 2013. Creating International Law: Gender as Leading Edge. *Harvard Journal of Law and Gender*. **2013**(36), pp.106-212.
- Macklin, A. 1995. Refugee Women and the Imperative of Categories. *Human Rights Quarterly*. **17**(2), pp.213-277.
- Macmillan, R. and Gartner, R. 1999. When She Brings Home the Bacon: Labor-Force Participation and the Risk of Spousal Violence Against Women. *Journal of Marriage and the Family*. **61**(4), pp.947-958.
- Mardorossian, C.M. 2014. "Birth Rape": Laboring Women, Coaching Men, and Natural Childbirth in a Hospital Setting. In: Mardorossian, C. M. *Framing the Rape Victim: Gender and Agency Reconsidered*. NJ: Rutgers University Press, pp.68-89.
- Martin, S. 2016. A non-ideal global basic structure. *Etikk i praksis - Nordic Journal of Applied Ethics*. **10**(2), p.11-26.
- May, L. 1992. Shared Responsibility and Racist Attitudes. In: May, L. *Sharing Responsibility*. Chicago: University of Chicago Press, pp.36-54.
- May, L. 1998. Socialization and Separatism. In: May, L. *Masculinity and Morality*. Ithaca, NY: Cornell University Press, pp.116-134.
- May, L. and Strickwerda, L. 1994. Men in Groups: Collective Responsibility for Rape. *Hypatia*. **9**(2), pp.134-151.
- McIntosh, P. 1988. *White Privilege and Male Privilege: A Personal Account of Coming to See Correspondences Through Work in Women's Studies*. (Working Paper No.189.) Welleslex, MA: Wellesley College Center for Research on Women.
- McKeown, M. and Nuti, A. 2016. Global Justice: Radical Perspectives. *Global Justice: Theory, Practice, Rhetoric*. **9**(2), i-iv.
- Messer, E. 1997. Intra-household allocation of food and healthcare: Current findings and understandings. *Social Science and Medicine*. **44**(11), pp.1675-1684.
- Messner, A. 1990. When bodies are weapons: Masculinity and violence in Sport. *International Review for the Sociology of Sport*. **25**(3), pp.203-220.

- Meyer, M.K. and Prügl, E. eds. 1999. *Gender Politics in Global Governance*. Boston: Rowman and Littlefield.
- Middle East Institute. 2014. *Iran's Headscarf Politics*. [Online]. Aman, F. guest contributor. 3 November. [Accessed 8 April 2017]. Available from: <http://www.mei.edu/content/article/irans-headscarf-politics>
- Mieth, C. 2008. World poverty as a problem of justice? A critical comparison of three approaches. *Ethical Theory and Moral Practice*. **11**(1), pp.15-36.
- Mikkola, M. 2016. *The Wrong of Injustice: Dehumanization and Its Role in Feminist Philosophy*. Oxford: Oxford University Press.
- Miller, S.L. and Smolter, N.L. 2011. "Paper Abuse": When All Else Fails, Batterers Use Procedural Stalking. *Violence Against Women*. **17**(5), pp.637-650.
- Millet, K. 1970. *Sexual Politics*, Garden City, NY: Doubleday.
- Millett, K. 2005. Theory of Sexual Politics. In: Cudd, A.E. and Andersen, R. O. eds. *Feminist Theory: A philosophical anthology*. Oxford: Blackwell Publishing, pp.37-59.
- Mills, C. 1997. *The Racial Contract*. Ithaca: Cornell University Press.
- Mills, C. 2010. Realizing (Through Racializing) Pogge. In: Jaggar, A.M. ed. *Thomas Pogge and His Critics*. Cambridge: Polity Press, pp.151-174.
- Mills, C. 2004. 'Ideal Theory' as Ideology. In: DesAutels, P. and Walker, M.U. eds. *Moral Psychology: Feminist Ethics and Social Theory*. Lanham, MD: Rowman and Littlefield, pp.163-181.
- Mitchell, W. 2006. Notes on Thomas Pogge's "Human Rights and Global Justice" and "Recognised and Violated by International Law: The Human Rights of the global Poor". *International Public Policy Review*. **2**(2), pp.113-120.
- Moges, A. 2003. *What is behind the tradition of FGM? / FGM: myths and justifications*. Eight International Metropolis Conference, 15-19 September, Vienna. [Accessed 10 December 2014]. Available from: <http://www.african-women.org/documents/behind-FGM-tradition.pdf>
- Mohanty, C.T. 1991a. Cartographies of Struggle: Third World Women and the Politics of Feminism. In: Mohanty, C.T., Russo, A. and Torres, L. eds. *Third World Women and the Politics of Feminism*. Indianapolis: Indiana University Press, pp.1-49.
- Mohanty, C.T. 1991b. Under Western Eyes: Feminist Scholarship and Colonial Discourses. In: Mohanty, C.T., Russo, A. and Torres, L. eds. *Third World Women and the Politics of Feminism*. Indianapolis: Indiana University Press, pp.51-80.
- Mohanty, C.T., Russo, A. and Torres, L. eds. 1991. *Third World Women and the Politics of Feminism*. Indianapolis: Indiana University Press.
- Monagan, S.L. 2010. Patriarchy: Perpetuating the Practice of Female Genital Mutilation. *Journal of Alternative Perspectives in the Social Sciences*. **2**(1), pp.160-181.
- Murray, L. and Burnham, G. 2009a. Understanding childhood sexual abuse in Africa. *The Lancet*. **373**, pp.1924-1926.
- Murray, L. and Burnham, G. 2009a. The myth of the virgin rape myth – Authors' reply. *The Lancet*. **374**, pp.1419-1420.
- National Crime Records Bureau of India. 2014. *Crime in India 2013: Chapter 5, Crimes Against Women*. [Online]. [Accessed 12 January 2015]. Available from: <http://ncrb.gov.in/CD-CII2013/CII13-TABLES/Table%205.2.pdf>

- Nayyeri, M.H. 2013. *Gender Inequality and Discrimination: The Case of Iranian Women*. [Online]. New Haven, Connecticut: Iran Human Rights Documentation Center. [Accessed 25 March 2017]. Available from: <http://www.iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html>
- Newburn, T. and Stanko, E. eds. 1996. *Just Boys Doing Business? Men, Masculinities and Crime*. London: Routledge.
- Niehaus, I. 2005. Masculine Domination in Sexual Violence: Interpreting accounts of three cases of rape in the South African Lowveld. In: Reid, G. and Walker, L. eds. *Men Behaving Differently: South African Men Since 1994*. Cape Town: Double Storey Books, pp.65-87.
- Njambe, W.N. 2007. Irua Ria Atumia and Anti-Colonial Struggles Among the Gĩkũyũ of Kenya: A Counter Narrative of „Female Genital Mutilation”. *Critical Sociology*. **33**(4), pp.689-708.
- Nkwo, P.O. and Onah, H.E. 2001. Decrease of female genital mutilation among Nigerian Ibo girls. *International Journal of Gynecology and Obstetrics*. **75**(3), pp.321-322.
- Nogradi, N.W. 2016. Should she be granted asylum? Examining the justifiability of the persecution criterion and nexus clause in asylum law. *Etikk i praksis. Nordic Journal of Applied Ethics*. **10**(2), pp.41-57.
- Notar, S. A. 2006. Peacekeepers as Perpetrators: Sexual Exploitation and Abuse of Women and Children in the Democratic Republic of Congo. *American University Journal of Gender, Social Policy and the Law*. **14**(2), pp.413-430.
- Nussbaum, M. 2011. *Foreword to Iris Marion Young’s Responsibility for Justice*. In: Young, I.M. *Responsibility for Justice*. Oxford: Oxford University Press, ix-xxv.
- Nuti, A. 2015. *Sharing responsibility for prevention of intimate partner violence*. [PowerPoint presentation]. Gender Research Seminar, 2 February, Cambridge.
- Nuti, A. 2016. *Email to Noa Nogradi*. 6 June.
- Odello, M. 2010. Tackling Criminal Acts in Peacekeeping Operations: The Accountability of Peacekeepers. *Journal of Conflict and Security Law*. **15**(2), pp.347-392.
- OHCHR. 2014. *Special Rapporteur on violence against women finalizes country mission to the United Kingdom and Northern Ireland and calls for urgent action to address the accountability deficit and also the adverse impacts of changes in funding and services*. [Online]. [Accessed 10 January 2014]. Available from: <http://www.ohchr.org/en/newsevents/pages/displaynews.aspx?newsid=14514&>
- Okin, S.M. 1989. *Justice, Gender and the Family*. New York: Basic Books.
- Okin, S.M. 1996. The Gendered Family and the Development of a Sense of Justice. In: Edward S.R., Turiel, E. and Brown, T. eds. *Values and Knowledge*. Mahwah, N.J.: Lawrence Erlbaum Associates, pp.61-74.
- Okin, S.M. 2005. ‘Forty acres and a mule’ for women: Rawls and feminism. In: *Politics, Philosophy and Economics*. **(4)**2, pp.233-248.
- Okoli, A.C. and Agada, F.T. 2014. Kidnapping and National Security in Nigeria. *Research on Humanities and Social Sciences*. **4**(6), pp.137-146.

- Owen, D. 2010. Global justice, national responsibility and transnational power. In: Rengger, N. (ed.) *Review of International Studies*. **36**(Special Issue 'Evaluating Global Orders'), pp.97-112.
- Owen, D. 2016. In Loco Civitatis: On the Normative Basis of the Institution of Refugeehood and Responsibilities for Refugees. In: Ypi, L. and Fine, S. eds. *Migration in Political Theory: The Ethics of Movement and Membership*. Oxford: Oxford University Press, pp.269-290.
- Papadaki, E. 2007. Sexual Objectification: From Kant to Contemporary Feminism. *Contemporary Political Theory*. **6**(3), pp.330-348.
- Papadaki, E. 2014. Feminist Perspectives on Objectification. In: Zalta, E.N. ed. *The Stanford Encyclopedia of Philosophy*. [Online]. Summer 2014 ed. [Accessed: 1 March 2015]. Available from: <http://plato.stanford.edu/archives/sum2014/entries/feminism-objectification/>
- Parekh, S. 2007. Review Essay: Can a Violent Husband Violate Human Rights? *Journal of Human Rights*. **6**(1), pp.131-141.
- Parekh, S. 2011. Getting to the Root of Gender Inequality: Structural Injustice and Political Responsibility. *Hypatia*. **26**(4), pp.672-689.
- Parekh, S. 2012. Does ordinary injustice make extraordinary injustice possible? Gender, structural injustice, and the ethics of refugee determination. *Journal of Global Ethics*. **8**(2-3), pp.269-281.
- Parekh, S. and Wilcox, S. 2014. Feminist Perspectives on Globalization. In: Zalta, E.N. ed. *The Stanford Encyclopedia of Philosophy* [Online]. Winter 2014 ed. [Accessed 21 September 2015] Available from: <http://plato.stanford.edu/archives/win2014/entries/feminism-globalization/>
- Parpart, J.L. and Zalewski, M. eds. 2008. *Rethinking the Man Question: Sex, Gender and Violence in International Relations*. London: Zed Books.
- Pateman, C. 1988. *The Sexual Contract*. Cambridge: Polity Press.
- Pateman, C. 1990a. Sex and Power. *Ethics*. **100**(2), pp.398-407.
- Pateman, C. 1990b. Women and Consent. *Political Theory*. **8**(2), pp.149-168.
- Pateman, C. 1999. Beyond the Sexual Contract? In: Dench, G. ed. *Rewriting the Sexual Contract*. New Jersey: Transaction Publishers, pp.1-9.
- Pateman, C. and Mills, C. 2007. *Contract and Domination*. Cambridge: Polity Press.
- Patil, V. 2013. From Patriarchy to Intersectionality: A Transnational Feminist Assessment of How Far We've Really Come. *Signs*. **38**(4), pp.847-867.
- Pedwell, C. 2011. The Limits of Cross-Cultural Analogy: Muslim Veiling and „Western” Fashion and Beauty Practices. In: Gill, R. and Scharff, A. eds. *New Femininities: Postfeminism, Neoliberalism and Subjectivity*. London: Palgrave Macmillan, pp.188-199.
- Peter, J. and Valkenburg, P. M. 2016. Adolescents and Pornography: A Review of 20 Years of Research. *The Journal of Sex Research*. **53**(4-5), pp.509-531.
- Peters, J. and Wolper, A. eds. 1995. *Women's Rights, Human Rights: International Feminist Perspectives*. London: Routledge.
- Pogge, T. 2001a. Priorities of Global Justice. *Metaphilosophy* **32**(1-2), pp.6-24.
- Pogge, T. 2001b. How should human rights be conceived? In P. Hayden. ed. *The philosophy of human rights*. St. Paul, MN: Paragon House, pp.187-210.
- Pogge, T. 2004. Severe Poverty as a Human Rights Violation. *Ethical and Human Rights Dimensions of Poverty: Towards a New Paradigm in the Fight Against Poverty*. [Online]. UNESCO Poverty Project Philosophy Seminar, All Souls College, Oxford. [Accessed 1 March 2017]. Available from:

- http://portal.unesco.org/shs/en/files/4363/10980840881Pogge_29_August.pdf/Pogge+29+August.pdf
- Pogge, T. 2005. Severe Poverty as a Violation of Negative Duties. *Ethics & International Affairs*. **19**(1), pp.55-83.
- Pogge, T. 2007. Severe Poverty as a Human Rights Violation. In: Pogge, T. ed. *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?* New York: Oxford University Press, pp.11-53.
- Pogge, T. 2008. *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*. 2nd ed. Cambridge: Polity.
- Pogge, T. 2010a. *Politics as Usual: What Lies Behind the Pro-Poor Rhetoric*. Cambridge: Polity Press.
- Pogge, T. 2010b. Responses to the Critics. In: Jaggar, A. ed. *Thomas Pogge and His Critics*. Cambridge: Polity Press, pp.175-250.
- Population Reference Bureau. 2014. *Female Genital Mutilation/Cutting: Data and Trends*. [Online]. Washington: USAID-IDEA-PRB. [Accessed 21 March 2016]. Available from: <http://www.prb.org/pdf14/fgm-wallchart2014.pdf>
- Price, M.E. 2006. Persecution Complex: Justifying Asylum Law's Preference for Persecuted People. *Harvard International Law Journal*. **47**(2), pp. 413-466.
- Price, M.E. 2009. *Rethinking Asylum: History, Purpose, and Limits*. Cambridge: Cambridge University Press.
- Quillen, B. 2014. The New Face of International Child Abduction: Domestic-Violence Victims and Their Treatment Under the Hague Convention on the Civil Aspects of International Child Abduction. *Texas International Law Journal*. **49**, pp.621-643.
- Quisumbing, A.R. and Maluccio, J.A. 2000. *Intrahousehold Allocation and Gender Relations: New Empirical Evidence from Four Developing Countries*. FCND Discussion Paper No.84. Washington: International Food Policy Research Institute.
- Rawls, J. 1971. *A Theory of Justice*. Cambridge: Harvard University Press.
- Rawls, J. 1999. *The Law of Peoples*. Cambridge, MA: Harvard University Press.
- Rawls, J. 2001. *Justice as Fairness: A Restatement*. (Edited by Erin Kelly). Cambridge: Harvard University Press.
- Reddington, F.P. and Kreisel, B.W. 2009. *Sexual Assault: The Victims, the Perpetrators, and the Criminal Justice System*. 2nd ed. Durham: Carolina Academic Press.
- Romedia Foundation. 2013. *Forced Sterilization of Romani Women: A Persisting Human Rights Violation*. [Online]. 7 February. [Accessed 22 November 2014]. Available from: <https://romediafoundation.wordpress.com/2013/02/07/forced-sterilization-of-romani-women-a-persisting-human-rights-violation/>
- Rubin, G. 1975. The Traffic in Women: Notes on the 'Political Economy' of Sex. In: Reiter, R. ed. *Toward an Anthropology of Women*. New York: Monthly Review Press, pp-157-210.
- Rupp, L.J. 1994. Constructing Internationalism: The Case of Transnational Women's Organizations 1888-1945. *The American Historical Review*. **99**(5), pp.1571-1600.
- Salter, M. 2014. Getting Hugged: The impact of international law on child abduction by protective mothers. *Alternative Law Journal*. **39**(1), 19-23.

- Sanday, P.R. 1981. The Socio-Cultural Context of Rape: A Cross-Cultural Study. *Journal of Social Issues*. **37**(4), pp.5-27.
- Sanpedro, P. 2004. El mito del amor y sus consecuencias en los vínculos de pareja. *Página Abierta*. **150**. [Online]. [Accessed 12 December 2017]. Available from: <http://www.pensamientocritico.org/pilsan0505.htm>
- Schüssler Fiorenza, E. 2001. *Wisdom Ways: Introducing Feminist Biblical Interpretation*. New York: Orbis Books.
- Schüssler Fiorenza, E. 2005. Feminist Studies in Religion and the The*logy In-Between Nationalism and Globalization. *Journal of Feminist Studies in Religion*. **21**(1), pp.111-119.
- Self, S. and Grabowski, R. 2009. Modernization, inter-caste marriage, and dowry: An analytical perspective. *Journal of Asian Economics*. **20**(1), pp.69-76.
- Sen, A. 1987. *Gender and Cooperative Conflicts*. [Online]. Helsinki: Wider. [Accessed 17 February 2016] Available from: <https://www.wider.unu.edu/sites/default/files/WP18.pdf>
- Sen, A. 1990. *More Than 100 Million Women Are Missing*. New York Review of Books. [Online]. **37**(20). [Accessed 10 April 2015] Available from: <http://www.nybooks.com/articles/1990/12/20/more-than-100-million-women-are-missing/>
- Sen, A. 2001. Many faces of gender inequality. *New Republic*. 17 September, pp.35-40.
- Sen, A. 2003a. Continuing the Conversation. *Feminist Economics*. **9**(2), pp.319-332.
- Sen, A. 2003b. Missing women—revisited: Reduction in female mortality has been counterbalanced by sex selective abortions. *British Medical Journal*. **327**(7427), pp.1297–1298.
- Senthilingam, M. 2017. Sexual harassment: How it stands across the globe. *CNN*. [Online]. 29 November. [Accessed 1 December 2017]. Available from: <https://edition.cnn.com/2017/11/25/health/sexual-harassment-violence-abuse-global-levels/index.html>
- Sharma, B.R. and Gupta, M. 2004. Gender-based Violence in India: A Never-Ending Phenomenon. *Journal of International Women's Studies*. **6**(1), pp.114-123.
- Sharma, B.R. et. al. 2002. Kitchen Accidents vis-a-vis Dowry Deaths. *Burns*. **28**(3), pp.250-253.
- Sharma, I. 2015. Violence against women: Where are the solutions? *Indian Journal of Psychiatry*. **57**(2), pp.131–139.
- Shelley, L.I. 2010. *Human Trafficking: A global perspective*. Cambridge: Cambridge University Press.
- Schon, M. 2016. Legalization has turned Germany into the ‘Bordello of Europe’ and we should be ashamed. *Feminist Current*. [Online]. 9 May. [Accessed 10 November 2017]. Available from: <http://www.feministcurrent.com/2016/05/09/legalization-has-turned-germany-into-the-bordello-of-europe-we-should-be-ashamed/>
- Shue, H. 1996. *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*. 2nd ed. Princeton, NJ: Princeton University Press.
- Sidahmed, A.S. 2001. Problems in Contemporary Applications of Islamic Criminal Sanctions: The Penalty for Adultery in Relation to Women. *British Journal of Middle Eastern Studies*. **28**(2), pp.187-204.

- Silva, M. 1996. *State legitimacy and failure in international law*. Leiden: Brill Nojhoff.
- Singer, P. 1971. Famine, Affluence, and Morality. *Philosophy and Public Affairs*. **1**(1), pp.229-243.
- Singer, P. 2009. *The Life You Can Save: Acting Now to End Global Poverty*. New York: Random House.
- Smith, A. 2006. Heteropatriarchy and the Three Pillars of Male Supremacy: Rethinking Women of Color Organising. In: Incite! Women of Color against Violence ed. *Color of Violence: The Incite! Anthology*. Cambridge, MA: South End Press, pp.66-73.
- Smith, S.L., Choueieti, M. and Pieper, K. 2014. *Gender Bias Without Borders: An investigation of female characters in popular films across 11 countries*. [Online]. Los Angeles: University of Southern California. [Accessed 8 April 2016]. Available from: <https://seejane.org/wp-content/uploads/gender-bias-without-borders-full-report.pdf>
- Spelman, E. 1988. *Inessential Woman: Problems of Exclusion in Feminist Thought*. Boston: Beacon Press.
- Spivak, G.C. 1994. Can the Subaltern Speak? In: Williams, P. and Chrisman, L. eds. *Colonial Discourse and Post-Colonial Theory: A Reader*. Hertfordshire: Harvester Wheatsheaf, pp.66-111.
- Stark, E. 2007. *Coercive Control: How Men Entrap Women in Personal Life*. New York: Oxford University Press.
- Stark, E. 2009. Rethinking Coercive Control. *Violence Against Women*. **15**(12), pp.1509-1525.
- Stark, E. 2010. Do Violent Acts Equal Abuse? Resolving the Gender Parity/Asymmetry Dilemma. *Sex Roles*. **62**(3-4), pp.201-211.
- Steinhoff, U. 2012. Why 'We' Are Not Harming The Global Poor: A Critique of Pogge's Leap from State to Individual Responsibility. *Public Reason*. **4**(1-2), pp.119-138.
- Struckman-Johnson, C. and Struckman-Johnson, D. 1992. Acceptance of Male Rape Myths Among College Men and Women. *Sex Roles*. **27**(3-4), pp.85-100.
- Superson, A.M. 2002. Welcome to the Boys' Club: Male Socialization and the Backlash against Feminism in Tenure Decisions. In: Superson, A.M. and Cudd, A.E. eds. *Theorizing Backlash: Philosophical Reflections on the Resistance to Feminism*. Maryland: Rowman & Littlefield, pp.89-117.
- Talleyrand, I. 2000. Military Prostitution: How the Authorities Worldwide Aid and Abet International Trafficking in Women. *Syracuse Journal of International Law and Commerce*. **27**(1), pp.151-176.
- Tan, K. 2010. Rights, Harm, Institutions. In: Jaggar, A. ed. *Thomas Pogge and His Critics*. Cambridge: Polity Press, pp.46-65.
- The Global Network of Women's Shelters. 2012. *The Global Network of Women's Shelters: Global Data Count*. [Online]. Canada: Alberta Council of Women's Shelters. [Accessed: 20. February 2016]. Available from: http://gnws.org/images/3-our-work/reports/gnws_2012_globaldatacount.pdf
- Tickner, J. A. 1992. *Gender in International Relations: Feminist Perspectives on Achieving Global Security*. New York: Columbia University Press.
- Tiroch, K. 2010. Violence against Women by Private Actors: The Inter-American Court's Judgement in the Case of Gonzalez et al. ("Cotton Field") v.

- Mexico. In: von Bogdandy, A. and Wolfram, R. *Max Planck Yearbook of United Nations Law*. **14**, pp.371-408.
- Tyson, D. 2013. *Sex, Culpability, and the Defence of Provocation*. London: Routledge.
- Uddin, K. 2014. Human Rights Violations by UN Peacekeepers: An End to Impunity. *Security and Human Rights*. **25**(1), pp.130-144.
- UN Women. 2011. *Progress of the World's Women 2011-2012: In Pursuit of Justice*. [Online]. New York: UN Women Headquarters. [Accessed 10 January 2015]. Available from: <http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2011/progressoftheworldswomen-2011-en.pdf?la=en&vs=2835>
- UN Women. 2012a. *Violence against Women Prevalence Data: Surveys by Country Compiled by UN Women*. [Online]. New York: UN Women Headquarters. [Accessed 12 December 2014]. Available from: http://www.endvawnow.org/uploads/browser/files/vawprevalence_matrix_june2013.pdf
- UN Women. 2012b. *Virtual knowledge centre to end violence against women and girls: Acid attacks*. [Online]. [Accessed 12 December 2014]. Available from: <http://www.endvawnow.org/en/articles/607-acid-attacks.html>
- UN Women. 2012c. *Virtual knowledge centre to end violence against women and girls: Defining violence against women and girls*. [Online]. New York: UN Women Headquarters. [Accessed 12 January 2017]. Available from: <http://www.endvawnow.org/en/articles/295-defining-violence-against-women-and-girls.html>
- UN. 2006. *Short History of the Commission on the Status of Women*. [Online]. [Accessed 3 January 2015]. Available from: <http://www.un.org/womenwatch/daw/CSW60YRS/CSWbriefhistory.pdf>
- UN. 2010. *The World's Women 2010: Trends and Statistics*. ST/ESA/STAT/SER.K/19. New York: UN.
- UN. 2014. *Guidelines for Producing Data on Violence Against Women – Statistical Surveys*. ST/ESA/STAT/SER.F/110. New York: UN.
- UN. 2015a. *The World's Women 2015: Trends and Statistics*. ST/ESA/STAT/SER.K/20. New York: UN.
- UN. 2015b. *Global Instrument Must Hold States Accountable, as Violence against Women, Girls Remains Pervasive, Widespread, Special Rapporteur Tells Commission*. [Press release]. [Accessed 23 September 2016]. Available from: <https://www.un.org/press/en/2015/wom2027.doc.htm>
- UN. 2018. *UN Treaty Collection: Signatories to CEDAW*. [Online]. [Accessed 10 January 2018]. Available from: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en
- UNFPA (United Nations Population Fund). 2017. *Promoting Gender Equality - Frequently asked questions on female genital mutilation/cutting*. [Online]. [Accessed 1 December 2017]. Available from: <http://www.unfpa.org/resources/promoting-gender-equality>
- UNGA. 1951. *Geneva Convention Related to the Status of Refugees*. [Online]. No. 2545. [Accessed 28 April 2015]. Available from: <https://treaties.un.org/doc/Publication/UNTS/Volume%20189/volume-189-I-2545-English.pdf>

- UNGA. 1967. *Protocol Related to the Status of Refugees*. [Online]. A/RES/21/2198. [Accessed 28 April 2015]. Available from: <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=3ae6b3ae4>
- UNGA. 1993. *Resolution 48/104: Declaration on the Elimination of Violence against Women (20 December 1993)*. [Online]. A/RES/48/104. [Accessed 28 April 2015]. Available from: <http://www.un.org/documents/ga/res/48/a48r104.htm>
- UNGA. 1995. *Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15 September 1995*. [Online]. [Accessed 11 December 2014]. Available from: <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>
- UNGA. 1997. *Report of the Economic and Social Council for 1997 (18 September 1997)*. [Online]. A/52/3. [Accessed 28 April 2015]. Available from: <http://www.un.org/documents/ga/docs/52/plenary/a52-3.htm>
- UNGA. 2000. *United Nations Millennium Declaration*. [Online]. A/55/2. [Accessed 28 April 2015]. Available from: <http://www.un.org/millennium/declaration/ares552e.htm>
- UNGA. 2013. *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo (14 May 2013)*. [Online]. A/HRC/23/49. [Accessed 28 April 2015]. Available from: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A_HRC_23_49_English.pdf
- UNGA. 2015. *Transforming our world: the 2030 Agenda for Sustainable Development*. [Online]. A/70/1. [Accessed 5 May 2016]. Available from: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E
- UNHCR. 1992. *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*. Geneva: UNHCR
- UNHCR. 2002. *Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*. Geneva: UNHCR
- UNICEF (United Nations Children's Fund), 2010. *Female Genital Mutilation: What might the future hold?* New York: UNICEF.
- UNICEF (United Nations Children's Fund). 2014. *Ending Child Marriage: Progress and prospects*. New York: UNICEF.
- UNICEF (United Nations Children's Fund). 2016. *Female Genital Mutilation/Cutting: A global concern*. [Online]. New York: UNICEF. [Accessed 13 January 2017]. Available from: https://www.unicef.org/media/files/FGMC_2016_brochure_final_UNICEF_SPREAD.pdf
- UNIFEM, Syrian Commission for Family Affairs, the General Women's Federation and the Central Bureau of Statistics. 2005. *Violence against Women Study, Syria*. [Online]. [Accessed 28 April 2015] Available from: <http://evaw-global-database.unwomen.org/en/countries/asia/syrian-arab-republic/2005/violence-against-women-in-syria-study-2005>
- UN Special Rapporteur on Violence Against Women, Its Causes and Consequences. 2009. *15 Years of the United Nations Special Rapporteur on Violence Against Women (1994-2009): A Critical Review*. [Online]. [Accessed 28 April 2015]. Available from:

- [http://www.ohchr.org/Documents/Issues/Women/15YearReviewofVAWMa
ndate.pdf](http://www.ohchr.org/Documents/Issues/Women/15YearReviewofVAWMa
ndate.pdf)
- UNODC. 2016. *Global Report on Trafficking in Persons 2016*. New York: UNODC
- UNODC-UN Women. 2014. *Handbook on effective prosecution responses to violence against women*. Vienna: United Nations.
- UNSC. 2008. *Security Council demands immediate and complete halt to acts of sexual violence against civilians in conflict zones, unanimously adopting resolution 1820. (SC/9364)* [Press release]. [Accessed 9 September 2017]. Available from: <http://www.un.org/press/en/2008/sc9364.doc.htm>
- UNSD. 2016. *Gender Statistics Manual: Integrating a Gender Perspective into Statistics*. [Online]. [Accessed 29 December 2016]. Available from: <https://unstats.un.org/unsd/demographic/standmeth/handbooks/05323%20Integrating%20a%20Gender%20Perspective%20into%20Statistics%20Web%20Final.pdf>
- Valentine, G. 1989. The Geography of Women's Fear. *Area*. **21**(4), pp.385-390.
- VAVE Network. 2017. *Conference panel: Impact and Consequences of gender-neutrality*. 19th VAVE Conference – From backlash to effective response, 31 October 2017, Budapest, Hungary.
- Verloo, M. 2016. *The challenge of gender inequality*. Gender and the Economic Crisis Conference, 16 September, Budapest, Central European University. [Forthcoming] In: IPSP (International Panel on Social Progress) Report. Ch.14. 2018. Cambridge University Press.
- Walby, S. 1990. *Theorising Patriarchy*. Oxford: Basil Blackwell.
- Walby, S. 2007. Complexity theory, systems theory and multiple intersecting social inequalities. *The Philosophy of the Social Sciences*. **37**(4), pp. 449-470.
- Walby, S. 2009. *Globalisation and Inequalities: Complexity and Contested Modernities*. London: Sage.
- Walby, S. 2011. *The Future of Feminism*. Cambridge: Polity Press.
- Walters, M.A. and Tumath, J. 2014. Gender 'Hostility', Rape, and the Hate Crime Paradigm. *The Modern Law Review*. **77**(4), pp.563–596.
- Weiss, S.M. and Gross-Horowitz, N.C. 2013. *Marriage and Divorce in the Jewish State: Israel's Civil War*. New England: Brandeis University Press.
- Wells, H. and Polders, L. 2011. Anti-gay hate crimes in South Africa: prevalence, reporting practices, and experiences of the police. *Agenda: Empowering Women for Gender Equity*. **20**(67), pp.20-28.
- Welsh, K. 2008. Current Policy on Domestic Violence: A Move in the Right Direction or a Step Too Far? *Crime Prevention and Community Safety*. **2008**(10), pp.226-248.
- Wenar, L. 2010. Poverty is No Pond: Challenges for the Affluent. In: Illingworth, P., Pogge, T. and Wenar, L. eds. *Giving Well: The Ethics of Philanthropy*. Oxford: Oxford University Press, pp.104-132.
- Werner, C. 2009. Bride abduction in post-Soviet Central Asia: marking a shift towards patriarchy through local discourses of shame and tradition. *Journal of the Royal Anthropological Institute*. **15**(2), pp.314-331.
- Whisnant, R. 2013. Feminist Perspectives on Rape. In: Zalta, E.N. ed. *The Stanford Encyclopedia of Philosophy*. [Online]. Fall 2013 ed. [Accessed 13 June 2015]. Available from: <http://plato.stanford.edu/archives/fall2013/entries/feminism-rape/>

- Whisnant, R. 2017. Feminist Perspectives on Rape. In: Zalta, E.N. ed. *The Stanford Encyclopedia of Philosophy*. [Online]. Fall 2017 ed. [Accessed 11 October 2017]. Available from: <https://plato.stanford.edu/archives/fall2017/entries/feminism-rape/>
- White, J.W. and Sorenson, S.B. 1992. A Sociocultural View of Sexual Assault: From Discrepancy to Diversity. *Journal of Social Issues*. **48**(1), pp.187-195.
- WHO. 2007. *Expert Meeting on the Primary Prevention of Intimate Partner Violence and Sexual Violence, May 2-3 2007, Geneva, Switzerland: Meeting Report*. Geneva: WHO. [Online]. [Accessed 1 March 2017]. Available from: http://www.who.int/violence_injury_prevention/violence/activities/who_ipvs_prevention_meeting_report.pdf
- WHO. 2008. *Classification of Female Genital Mutilation*. [Online]. [Accessed 12 December 2014]. Available from: <http://www.who.int/reproductivehealth/topics/fgm/overview/en/>
- WHO. 2012. *Understanding and addressing violence against women: Femicide*. [Online]. [Accessed 12 December 2017]. Available from: http://apps.who.int/iris/bitstream/10665/77421/1/WHO_RHR_12.38_eng.pdf
- WHO. 2013. *Global report highlights impact of violence on women's health*. [Press release]. [Accessed 2 May 2016]. Available from: <http://www.emro.who.int/media/news/global-report-violence-women.html>
- WHO. 2017. *Intimate partner and sexual violence against women: Fact sheet*. [Online]. [Accessed 12 December 2017]. Available from: <http://www.who.int/mediacentre/factsheets/fs239/en/>
- WHO-LSHTM. 2010. *Preventing intimate partner and sexual violence against women: taking action and generating evidence*. [Online]. Geneva: WHO. [Accessed 1 March 2017]. Available from: http://www.who.int/violence_injury_prevention/publications/violence/9789241564007_eng.pdf
- WHO-LSHTM-SAMRC. 2013. *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence*. [Online]. [Accessed 12 December 2014]. Available from: http://apps.who.int/iris/bitstream/10665/85239/1/9789241564625_eng.pdf
- Widdows, H. 2015. *Why beauty matters? Beauty, ethics and justice*. Global Gender Justice: New Directions Conference, 21-22 May, University of Birmingham. [Online]. [Accessed: 20 June 2015]. Available from: <https://www.youtube.com/watch?v=24M9wBFYC6A>
- Widdows, H. et al. 2016. *Beauty Demands: Briefing paper June 2016* [Online]. [Accessed: 25 September 2017]. Available from: <https://www.birmingham.ac.uk/Documents/college-artslaw/beautydemands/beauty-demands-briefing-paper-june-2016.pdf> Nuffield: Nuffield Council on Bioethics-Beauty Demands Network.
- Wills, S. 2013. Continuing Impunity of Peacekeepers: The Need for a Convention. *Journal of International Humanitarian Legal Studies*. **4**(1), pp.47-80.
- Wing Sou, D. et al. 2007. Racial Microaggressions in Everyday Life: Implications for Clinical Practice. *American Psychologist*. **62**(4), pp.271-286.
- Wirth, J. 2009. *Rendszerbe zárva*. Budapest: NANE Egyesület.

- Witt, C. 2011. *The Metaphysics of Gender*. Oxford: Oxford University Press.
- Witt, C. 2012. The Metaphysics of Gender: Reply to Critics. *Symposia on Gender, Race and Philosophy*. [Online]. **8**(2), pp.1-10. [Accessed 2 March 2017]. Available from: <http://web.mit.edu/~sgrp/2012/no2/Witt0512.pdf>
- Wolfe, D.A. and Jaffe, P. 1999. Emerging Strategies in the Prevention of Domestic Violence. *The Future of Children (Special Issue: Domestic Violence and Children)*. **9**(3), pp.133-144.
- Woods, K. 2010. *Human Rights and Environmental Sustainability*. Cheltenham: Edward Elgar.
- World Bank. 2012. *World Development Report 2012: Gender Equality and Development*. Washington: The World Bank.
- Yela, C. 2003. La otra cara del amor: Mitos, paradojas y problemas. *Encuentros En Psicología Social*. **1**(2), pp.263-267.
- Young, I.M. 1990. *Justice and the Politics of Difference*. Princeton: Princeton University Press.
- Young, I.M. 1994. Gender as Seriality: Thinking about Women as a Social Collective. *Signs*. **19**(3), pp.713-738.
- Young, I.M. 2003. *Political Responsibility and Structural Injustice*. Lindley Lecture, Philosophy Department, University of Kansas. 5 May. [Online]. [Accessed 25 March 2017]. Available from: https://www.bc.edu/content/dam/files/schools/cas_sites/sociology/pdf/PoliticalResponsibility.pdf
- Young, I.M. 2004. Responsibility and Global Labor Justice. *Journal of Political Philosophy*. **12**(4), pp.365-388.
- Young, I.M. 2006a. Taking the Basic Structure Seriously. *Perspectives on Politics*. **4**(1), pp.91-98.
- Young, I.M. 2006b. Responsibility and Global Justice: A Social Connection Model. *Social Philosophy and Policy*. **23**(1), pp.102-130.
- Young, I.M. 2007. The Logic of Masculinist Protection: Reflections on the Current Security State. In: Young, I.M. *Global Challenges: War, Self-Determination and Responsibility for Justice*. Cambridge: Polity Press, pp.117-139.
- Young, I.M. 2011. *Responsibility for Justice*. New York: Oxford University Press.
- Youngs, G. 2004. Feminist International Relations: A Contradiction in Terms? Or: Why Women and Gender are Essential to Understanding the World 'We' Live in. *International Affairs (Royal Institute)*. **80**(1), pp.75-87.
- Zhang, T. 2013. Prostitution and Human trafficking. In: Cao, L., Sun, I.Y. and Heberton, B. eds. *The Routledge Handbook of Chinese Criminology*. New York: Routledge, pp.171-180.
- Ziegler, S.L. and Stewart, K.B. 2009. Positioning Women's Rights within Asylum Policy: A Feminist Analysis of Political Persecution. *Frontiers: A Journal of Women Studies*. **30**(2), pp.115-142.
- Zina, J. 2005. Sexuality. In: Jaggar, A. and Young, I.M. eds. *A Companion to Feminist Philosophy*. Oxford: Blackwell, pp.307-320.