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Violence and Freedom

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ON OCTOBER 10, 2006, in a report to the General Assembly of the United Nations, Secretary-General Kofi Annan presented an in-depth study on all forms of violence against women.¹ According to the report, “at least one out of three women experienced violence at some stage in their lives”²; violence against women is thus not a characteristic of some countries. It is a global problem and “a serious public policy problem in all stable democracies,” according to Weldon. For example, in France, the human rights organization Amnesty International reports, “one out of ten women is victim of domestic violence.”³ Official data indicate that perpetrators of domestic violence kill on average one woman every three days in France.⁴ Violence against women, as spelled out in Article 1 of the 1993 United Nations *Declaration on the Elimination of Violence Against Women*,⁵ refers to acts – happening specifically to women because they are women⁶ – that restrict, impair, or nullify women’s ability to exercise their equal rights and freedoms as citizens, that is, threats, coercion, and arbitrary deprivations of liberty that “result in, or is likely to result in, physical, sexual or psychological harm or suffering to women” whether it happens “in public or private life.”

Over the past two decades,⁷ these issues concerning gender-based violence in the private sphere and women’s rights to equality and freedom have most prominently been discussed by feminists in two areas of scholarship: the genre of political theory popularly known as multiculturalism and the human rights literature – especially the line of inquiry on protection for women. In these two fields of study, the same arguments are made, namely, cultural rights and human rights do not serve women’s interests; in fact, private-sphere violence against women is ignored by male advocates of cultural rights and human rights. Yet to my knowledge,⁸ the two literatures have not been brought together in a systematic study. To remedy this defect, and in so doing, develop an alternative account of human rights that makes an advance over how the problem of private-sphere violence against women has so far been addressed within the multiculturalism and human rights literatures is, in the main, the undertaking of my dissertation.

On the received and conventional view, promoting women’s rights as human rights in the mainstream holds the best promise as demonstrated by international documents such as the 1979 *Convention on the Elimination of All Forms of Discrimination Against Women*, the 1993 *Declaration on the Elimination of Violence Against Women*, the 1993 *Vienna Declaration*, the 1994 *Cairo Declaration* recognizing women’s reproductive rights as human rights, and the 1995 *Beijing Platform for Action*. In sharp contrast to this conventional wisdom, I argue that creating the gender-specific category

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BY STEVE ON



Report to the United Nations General Assembly, "In-depth study on all forms of violence against women" was published on October 10, 2006

of women's rights is redundant and incoherent; it creates more problems than it solves. Human rights need be, therefore, not rejected but reinterpreted. It is this view of human rights that I defend in my work.

So what are the implications of reinterpreting human rights? One is that the two concepts of freedom have to be brought forward. Another is that the concept of negative freedom has to be enlarged so as to include the idea of freedom as absence of hierarchy. Taking negative freedom in this sense, namely, as the absence of domination and subjugation, it is possible then in the private sphere where patriarchal norm of domination and subordination is pervasive, we may begin to detect how for the vast majority of women, freedom is wanting. In contrast, taking the conventional view that equates freedom with autonomy – a view found in the political theory of liberals such as Joseph Raz and Will Kymlicka, where autonomy means having the appropriate mental conditions,¹⁰ a range of options to choose from, and independence as the ability to revise traditional beliefs – this view of freedom as autonomy almost completely ignores the women

problem because the issues relating to gender hierarchy and the exclusion of women, matters known to exist in all societies, are hardly addressed. To grapple with the women problem and to see violence against women as a problem undermining the integrity of women, freedom as non-hierarchy is a concept that has to be developed and brought forward. But this is a starting point only. While this conception of negative freedom can bring into relief women's risk of falling into victim of violence in the public and private spheres, simply because they are women, it says nothing about the positive steps to take for ending hierarchy, in the direction of, for example, providing proper social support and proper social respect for women.

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NOTES

1. In English, available online: <http://daccessdds.un.org/doc/UNDOC/GEN/No6/419/74/PDF/No641974.pdf?OpenElement>
2. This piece of data is highlighted by Under-Secretary-General for Economic and Social Affairs José Antonio Ocampo in a conference at New York. That news story is posted on the United Nations website (<http://www.un.org/apps/news/story.asp?NewsID=20205&Cr=women&Cr1=violence>).
3. See "En France, une femme sur dix est victime de violences conjugales," *Le Monde*, 8 February 2006. Amnesty International calls the situation in France a "state affair."
4. "Une femme meurt tous les trois jours sous les coups de son compagnon," *Le Monde*, 23 November 2006.
5. Available online at <http://www.un.org/documents/ga/res/48/a48r10a.htm>
6. It is true that men experience internal violence. Cathy Young comments in her

op-ed piece, "There are also battered men," *International Herald Tribune*, 11 January 2006, p.6, that "the most reliable research shows that up to 35 percent of victims injured by violent partners are men." But my focus is on violence against women.

7. To be sure, attention to these issues dates back further than the last two decades. "From the nineteenth century, feminists (including J.S. Mill) have drawn attention to the impunity with which husbands could use physical force against their wives" (Pateman 1989, 185). Yet many countries did not begin to address violence against women as a problem of public policy until the latter half of the 1980s, and many more only in the first half of the 1990s (Weldon 2002, 19).
8. Carole Pateman pointed out to me the parallel feminist critiques of cultural rights and human rights. I am indebted to her for this important insight.
9. The two concepts of freedom as positive and negative are best articulated by Berlin (2002), who first delivered his account as lecture in 1958. Republished in 2002, Berlin's *Liberty* now incorporates Harris (2002)'s survey of the critical literature on the essay.
10. Put another way, autonomy that structures the defense of cultural rights puts up blinders to how hierarchical relations – constitutive of autonomous lives – frustrate the rights of women to freedom from being interfered with, bullied, threatened, harmed, and even killed. Autonomy confines the field of inquiry into freedom.

Steve On is a Ph.D. candidate in the Department of Political Science at UCLA. His advisor is Carole Pateman. His areas of research are multiculturalism, human rights, and freedom. In the past two years, he has contributed articles on the headscarf case in France for the *Journal of Contemporary Political Theory* and on the "relative universality" of human rights for the *Journal of Perspectives on Global Development and Technology*. He is currently writing his dissertation; two chapters of it will be presented in international conferences in the United Kingdom. He presented a version of this article at the 2006 annual meeting of the Western Political Science Association at Albuquerque, New Mexico. A CSW Travel Grant helped defray his expenses.