

FREEDOM FROM VIOLENCE: WOMEN'S STRATEGIES FROM AROUND THE WORLD. Edited by Margaret Schuler. New York: United Nations Development Fund for Women, 1992. 354 pages. \$24.00.

LEGAL LITERACY: A TOOL FOR WOMEN'S EMPOWERMENT. Edited by Margaret Schuler and Sakuntala Kadirgamar-Rajasingham. New York: United Nations Development Fund for Women, 1992. 346 pages. \$24.00.

In October of 1992, the *New York Times* reported that Serbian nationalist fighters had raped as many as 12,000 girls and women, mostly Muslims. One young girl recounted: "They beat us and tore our clothes off . . . they pushed us on the floor. Two of the men held me down while two others raped me. . . . As they raped me they said they'd make sure I gave birth to a Serbian baby."¹ During the same period, another *New York Times* article publicized the American Medical Association's finding that four million women in the United States are assaulted by husbands or lovers each year, making it "a public health problem that has reached epidemic proportions."^{1 2}

Unremittingly, newspapers remind us of the worldwide epidemic of violence against women. Random articles, however, fail to show the interrelatedness of such events; nor do they present hope for change. Moving beyond these frightening headlines is vital to understand how we might combat violence against women and how countries might help each other develop strategies for its elimination. A recent book, *Freedom from Violence: Women's Strategies from Around the World*, edited by Margaret Schuler, provocatively and comprehensively analyzes the problem of gender violence, focusing specifically on strategies for change. *Freedom from Violence* exposes the numerous expressions of global gender violence while simultaneously discussing the many areas in need of reform: education, religion, social structures, politics, economics and the law.

Published shortly after *Freedom from Violence*, *Legal Literacy: A Tool for Women's Empowerment*, edited by Schuler and Sakuntala Kadirgamar-Rajasingham, addresses the practical, strategic and theoretical aspects of using law as a tool for social change. Beyond mere reform of the law, *Legal Literacy's* aim is reform *through* the law. The authors offer strategies for making women more literate of their legal rights in order to remedy ongoing problems in the areas of discrimination, housing, reproductive rights, work place issues *and* to eliminate the ongoing problem of violence against women. This

¹ John F. Bums, *150 Muslims Say Serbs Raped Them in Bosnia*, N.Y. TIMES, Oct. 3, 1992 § 1, at 5.

² Carol Lawson, *Violence at Home: 'They Don't Want Anyone to Know'*, N.Y. TIMES, Aug. 6, 1992, at C1.

review analyzes how both *Legal Literacy* and *Freedom from Violence* contribute to the understanding of and the fight against gender violence. Together, the two books serve as powerful resource tools to effect change.

Schuler, the driving force behind both books, is the director of the Women, Law and Development program in Washington, D.C.; she has worked extensively with women's rights organizations worldwide and has authored and edited several publications, most notably *Empowerment and the Law: Strategies of Third World Women* (1986). Her belief, that individuals have the power to achieve practical solutions to political and social problems, emerges as the fundamental tenet of both books.

Accordingly, Schuler directs *Freedom from Violence* "to women activists and advocates who are engaged in the daily struggle to overcome violence against women." (FFV, p. xiii)³ The book is more than a list of atrocities across the globe. It is a learning tool and a sourcebook of strategies. Schuler incorporates effectively charts, fact sheets, lists of helpful journals and manuals, and the names and addresses of grassroots organizations as diverse as the Women's Action Group in Zimbabwe, the Home for Battered Women in Thailand, and the National Clearinghouse on Family Violence in Canada.

Schuler believes in a collaborative, interdisciplinary learning process and constructs *Freedom from Violence* around twelve separate essays written by front-line activists—lawyers, social workers and sociologists—who contribute a variety of perspectives. This emphasis on collaboration allows women to present their personal experiences of subordination in a forum that recognizes them as political concerns. The various contributors share with each other, as well as with the readers, their experiences in combating gender violence. Ultimately, the advocates hope to learn from one another,⁴ for as Schuler argues, along with Chilean essayist Nelly Gonzalez, the complex problem of gender violence will go unsolved unless practitioners exchange their unique insights into the roots of the problem instead of researching independently. (FFV, p. 30)

Similarly, the authors believe that in an emerging global economy countries cannot operate in isolation but must strive to understand and learn from each other. This understanding demands the inclusion of race, gender and class issues. The authors' multicultural method requires not only sensitivity to a variety of perspectives, but also attention to the actual experiences of women in the twelve countries analyzed.

The range of countries discussed in the two books reveals both cultural differences and similarities in the perpetuation of violence against women. Some

³ Page references to *Freedom from Violence* are designated by the abbreviation "FFV" and references to *Legal Literacy* are designated by the abbreviation "LL".

⁴ For example, shelters and rape crisis centers, pioneered in the United States and Europe during the 1970s, have been adopted by developing countries. (FFV, pp. 8, 31) Similarly, all-women police stations, pioneered in Brazil, are influencing the strategies of other countries. See, e.g., Sam Roberts, 15 'Mega-Cities' *Joining to Learn From Each Other*, N.Y. TIMES, June 25, 1990, at B1.

forms of violence are regional and unique to specific cultures. For instance, genital mutilation, usually in the form of clito- ridectomy, is practiced widely in Africa and the Middle East for the purpose of preventing women from having orgasms and keeping women faithful. Lawyer Asma M. A'Haleem, in her essay on Sudan, explains: “[F]emale circumcision is a manifestation of the male’s need to control women’s sexuality, and contributes to the historical subordination of women.” (FFV, p. 144) “The woman’s role is to be an obedient wife and satisfy her husband’s sexual lusts.” (FFV, p. 147)

Another form of region-specific violence is the trafficking of girls. Thailand promotes a sex-slave trade that exploits poor, young girls for tourist “sex tours” targeted to European and Japanese men. As one Thai tourist brochure for Dutch men reads:

You get the feeling that taking a girl here is as easy as buying a packet of cigarettes Many of the girls in the sex-world come from the poor northeastern region of the country or the slums of Bangkok With this little slave you can do practically everything in the field of sex the whole night and you will not be disappointed with the girl. (FFV, p. 125)

The girls are abused, underpaid and effectively are owned by the men who control the sex slave market.

Despite differences between cultures, common trends in the cycles and roots of gender violence cross international boundaries. For example, in the last decade in India, a backlash against the women’s rights movement has occurred, marked by a notable increase in rape, dowry murders and witch burnings (with equal numbers still going unreported).⁵ (FFV, pp. 78-81) The attempt by male-dominated forces to erode women’s gains in India is comparable to the backlash in the

United States exemplified by rising rates of rape, domestic abuse, sexual harassment and women’s loss of reproductive rights.⁶ Fundamentalist right-wing groups have emerged in both countries, advocating extreme positions to subordinate women: a renewal of *sati* in India (a custom that a woman should commit suicide after her husband dies) (FFV, p. 297), and in the United States, the inability of women to terminate pregnancies in the case of incest or rape.

In addition, the essays uncover how violence cuts across socioeconomic, ethnic, racial, religious, educational and cultural lines. In India, for instance, men

⁵“Dowry murder,” also known as “bride burning,” refers to the murder of a young wife by her in-laws over inadequate dowry. Alternatively, the harassment sometimes provokes suicide. “Witch burning” results when widows or single women inherit land. In an effort to reclaim the land and put it back into patriarchal control, the women are accused of being witches; by using this defense, the murderer is able to escape conviction. (FFV, p. 297)

⁶ See SUSAN FALUDI, *BACKLASH: THE UNDECLARED WAR AGAINST AMERICAN WOMEN* (1991); MARILYN FRENCH, *THE WAR AGAINST WOMEN* (1992).

of the middle class are responsible for the majority of dowry murders.⁷ (FFV, p. 79) Violence permeates the “public” and “private” spheres as well; its locale may be found within the family, the community or the state.⁸ The violence may be “private” as when a husband beats or rapes his wife, or “public” as when the military or police beat or rape women in their custody. Further examples of public gender violence include the rape of female mental patients, the imprisonment of raped women (to prevent them from obtaining an abortion), sexual assault by police officers and mass rape during war. Confirmed reports indicate that between 200,000 and 400,000 women were raped during the Bangladesh War. (FFV, p. 57)

The power of *Freedom from Violence* lies in the synergistic effect of the twelve essays. Viewed individually, the incidents documented might be dismissed as anomalies but collectively, they reveal the horrifying pervasiveness of violence against women. Clearly, some kinds of violence are systemic and common to all cultures. Incest, wife beating, harassment, reproductive coercion, and rape, including custodial rape by police and authority figures, exist everywhere.

The essay writers propose research and intervention on many levels to eliminate violence against women. Schuler presents a useful framework in her chapter entitled “International Perspective” that focuses on three requirements for reform: understanding the violence, responding to the violence, and attacking the roots of violence. (FFV, p. 22) To respond to and attack the roots of violence, Schuler recommends developing a social analysis of the violence; understanding the extent and limits of the law; helping empower women through self-confidence, self-defense and employment; challenging religious, educational and other authorities to take appropriate action; mobilizing public support through campaigns and protests; lobbying legislative bodies for passage of new laws and policies; educating police and prosecutors on the issues of gender violence; making judges aware of their gender biases; and using litigation and test cases to improve the behavior of the courts. (FFV, pp. 22-23) Above all, Schuler states that we must “[m]ake violence a political issue, relevant to all.” (FFV, p.

⁷ For an examination of domestic abuse among well-educated, upper income families in the United States, see Lawson, *supra* note 2.

⁸ As Schuler and Kadirgamar-Rajasingham note, the public/private dichotomy in law has played a key role in the oppression of women:

The private sphere (domestic life, home, and family) is considered the traditional domain of women. The public sphere (work and politics) is accepted as the domain of men [L]aws touching the public arena (e.g., labor law) have typically been modernized and brought into line with more enlightened thinking, while family and personal matters in the private sphere have, for the most part, been left untouched by the state. (LL, p. 26)

For a detailed critique of the public/private dichotomy and its impact on women, see Ruth Gavison, *Feminism and the Public/Private Distinction*, 45 STAN. L. REV. 1 (1992).

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A significant strength of *Freedom from Violence* is that the essay writers ground their analyses in experience from the field. Sonia Montano, for example, documents Bolivian grassroots movements that have used the mass media and have organized women into political pressure groups to reform sex crime laws. (FFV, p. 213) In contrast to the organized movement in Bolivia, grassroots actions in other countries have been more spontaneous but often as effective. In India, for example, the Supreme Court acquitted two policemen who had raped a girl held in a cell. (FFV, p. 84) Grassroots groups responded by staging rallies, holding meetings, gathering 10,000 signatures, and organizing a “Women’s Struggle Day.” Eventually, the women succeeded in reformulating the Criminal Procedure Code and the Evidence Act. The most important and long overdue change that resulted was the adoption of a “presumption of absence of consent” for women who are gang raped or victims of custodial rape. (FFV, p. 85)

Because of the pressing need for change within the law and through the law, Schuler and Kadirgamar-Rajasingham gear *Legal Literacy* towards the process by which women become more legally literate. Like *Freedom from Violence*, *Legal Literacy* reflects a collaborative, interdisciplinary and multicultural approach. Even the working definition of legal literacy originated from a 1989 conference in which all contributors to the book reached a consensus: legal literacy is “the process of acquiring critical awareness about rights and the law, the ability to assert rights, and the capacity to mobilize for change.” (LL, p. 2)

Mobilizing for change is the underlying theme of all thirteen essays in this collection. Legal literacy in itself is crucial, but as Schuler and Kadirgamar-Rajasingham assert in the introduction, it is not “the *law* [that] will empower women, but instead . . . once empowered, *women* become the proactive social agents who act upon the law to make it relevant, who know how to use and direct the law to forge new and more adequate forms of social organization and interaction.” (LL, p. 1)

Examples of laws that condone violence and thus show the need for women’s political power as well as legal literacy abound in both books. For example, an Iraqi decree reads, “Any Iraqi who kills, even with premeditation, his own mother, daughter, sister, aunt, niece or his cousin on the father’s side, for adultery will not be brought to justice.” (FFV, p. 69) In fact, when a husband kills his wife, the more violent the murder the more likely the husband will be acquitted since “the assumption is that for a husband to kill his wife in such a brutal manner, she must have given some provocation.” (FFV, p. 69)

In addition, men have ensured their rights to commit violence in the home by drawing a line between private and public spheres. Prevailing law in most countries is still grounded in the theory that a “man’s home is his castle.” While prohibitions against violence are enforced in public spaces, they are not enforced

in private spaces.⁹ In Sri Lanka, the law dictates that a man beating his wife will invoke no legal action unless the cries of the woman become a nuisance to neighbors. (FFV, p. 50) In Uganda, a disobedient wife may be legally subject to beatings from her husband or may be returned to her family “for correction and discipline.” (LL, p. 140)

If women are to use their legal literacy for long-term gains, they must strive to achieve more than simple knowledge of the law. In support of this idea, Schuler and Kadirgamar-Rajasingham make their most powerful argument:

Legal literacy must transcend the naive view that because constitutions give women the right to vote, the system is functional to women. It must overcome the mistaken notion that to participate, the only thing women need is information about their rights, and that if they assert their rights they have become full citizens. To be effective, legal literacy’s proponents must view social change and the transformation of unjust power relations as *imperatives* of the democratic process, and that women must be key players in deciding the changes to be made. . . . Thus, legal literacy is only justified if it is a process of self and social empowerment that moves women not only to activate the rights they do have, but to redefine and reshape the inadequate ones as expressed in law and in practice. (LL, p. 36)

The “demystification” of law represents one significant means by which women may redefine and reshape their rights. Demystifying the law means rescuing it from the abstract realm and revitalizing it as a meaningful and practical vehicle for women’s empowerment. An aspect of demystification that is given thoughtful discussion in Part III of *Legal Literacy* is the “deprofessionalization” of the law, whereby local women provide an “alternative to the traditional, welfare-type, ‘professional’ approach to legal services.” (LL, p. 9) Thus, programs in Peru, India, the Philippines and Bangladesh have been established to train native paralegals.

In Peru, for instance, Elizabeth Dasso has founded the Peru Mujer Legal Program which encourages working-class women in Lima to become *promotoras legates* (paralegals). Once they have received rigorous training in legal matters pertinent to their people, these women return to their communities, help educate others, and serve as liaisons between the poor and the legal system of Peru. Dasso affirms: “[W]hen appropriated by the community, such a project creates power within the community and makes the law accessible to the population. In this way, and through their own initiative, grassroots and working people generate long term social affirmation of their own human dignity.” (LL, p. 175) This long term achievement, as yet only a hopeful hypothesis, would provide the basis by which real societal change could be gained, since a redefinition of the society’s laws would, Dasso implies, necessarily follow.

⁹ See *id.*

Because both books show that economic inequality is at the root of gender violence and other forms of discrimination, perhaps the next study for Schuler and Kadirgamar-Rajasingham should be an analysis of the issues surrounding economic reform. As stated in *Freedom from Violence*, even with the positive development of laws protecting battered women in the United States,¹⁰ economic inequity blocks women from achieving true liberation from violence:

The cruel choice often posed to women in violent relationships is whether to be beaten or to be poor. And the latter means that women bring their children along with them into poverty. Leaving a violent marriage can be a financial disaster. The simple truth is that if women had more equal power in the world, they could escape violence. (FFV, pp. 288-89)¹¹

Economic inequity and social pressures are often greater problems outside the United States.^{11 12} Thus, another sourcebook of strategies focusing on economic reform could enlighten readers on this underexamined issue.

Ultimately, *Freedom from Violence* and *Legal Literacy* are much more than sourcebooks of strategies designed for front-line advocates. They are persuasive, educational and historical overviews that should, and must, reach a wider audience. Violence against women is deeply embedded in the history of human culture. Only education can reform the underlying social values and economic inequities that lead to violence. Fortunately, millions of women are passionately committing themselves, as Schuler and the many contributors have, to leading this education. Although men still hold economic power, political power is ever-so-slowly slipping into women's hands.

—Heidi A. Chesley
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¹⁰ One significant development is the admission of evidence at trial of the Battered Women's Syndrome which is now recognized in many states as a defense for a battered wife killing her husband. Potentially, the defense can retroactively serve as a basis for clemency petitions. See, e.g., Jane Gross, *Abused Women Who Kill Now Seek Way Out of Cells*, N.Y. TIMES, Sept. 15, 1992, at A16.

¹¹ For example, "The standard of living of women who divorce in the United States drops by 73 percent the first year, while a man's improves 42 percent. And child support is at best an undependable source of income; in 1987, U.S. husbands owed women \$4.6 billion in unpaid child support." (citations omitted) (FFV, p. 289)

¹² For example, as Luiza Eluf of Brazil writes; "Women in all social classes are victims of violence. But it is poor women who generally turn to the v/omen's police stations [They] believe they are financially dependent on their spouse or partner even if they work outside the home, and have been abused for a long time." (FFV, p. 206)