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CRITICAL PERSPECTIVES ON GENDER AND POLITICS

Violence Against Women, Family Law, and the Feminist Evolutionary Analytic Approach

Introduction

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What is *feminist* about feminist evolutionary theory, and how valid is the feminist evolutionary analytic approach for understanding violence against women globally? What has evolutionary analysis got to do with legal enclaves, pluralism, and inequitable family law, and how do they cause violence? And, moreover, is legal change, specifically adopting and diffusing similar liberal family status laws worldwide, the best strategy for ending pervasive and egregious violence against women? Valerie M. Hudson, Donna Lee Bowen, and Perpetua Lynne Nielsen's article, "What Is the Relationship between Inequity in Family Law and Violence against Women? Approaching the Issue of Legal Enclaves" (*Politics & Gender*. 2011. 7 (4): 453–92) raises theoretical, empirical, and praxeological questions for feminist scholars of politics and international relations that this Critical Perspectives section takes up with essays from six contributors selected from an open call for papers.

Hudson, Bowen, and Nielsen make the controversial theoretical argument that the origin of violence against women is to be found in male-female conflict over biological reproduction — mirrored in inequitable family laws — that are themselves an evolutionary adaptation (p. 468). Their argument appears to run contrary to much feminist scholarship in political science and international relations. Feminist political theory tends toward an understanding of the social world and gender relations as socially constructed and strongly opposes accounts that reduce these relations to biological drives or essential natures.

Elina Pettinen's contribution begins this section with a discussion of the feminist unease with biologism and the need to think beyond the

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nature/culture dichotomy. Her essay considers how we can study the "biosocial" within feminist approaches. She suggests that the "new materialism" might offer resources for feminist theorists of politics who want to understand our ontological entanglements without the epistemological baggage of seeking an ultimate explanation for male violence.

Jesse Crane-Seeber and Betsy Crane also scrutinize Hudson, Bowen, and Nielsen's evolutionary approach, arguing that it is anthropologically inaccurate, as well as flawed from a feminist perspective. They note the range of human responses to biological reproduction within diverse human cultures and sexual relations in different economic and ecological conditions. They also stress the lack of support for claims that men are more naturally sexually aggressive than women. In their view, Hudson, Bowen, and Nielsen's empirical study of the connections between contemporary inequitable family laws and violence against women is compelling enough and need not be couched in an primordialist account of human evolution and patriarchal male domination.

Exploring the dowry system and infanticide in India, Gopika Solanki argues that their historical emergence had nothing to do with evolutionary legacies of reproductive conflict between women and men. Rather than asserting a megatheory or ultimate cause of violence against women through statistical analysis, she argues that scholars of gender and politics should build theories based on the comparison of particular, historically-situated cases that take into account a full range of variables in addition to reproductive conflict, democracy, wealth, and Islamic civilization.

By contrast, Rose McDermott defends the importance of scientific method for feminist analysis that tries to link individual women's experience with macroanalysis of societal patterns and structures. Evolutionary analysis, she is convinced, gives feminist scholars a theoretical basis with explicit psychological mechanisms as hypotheses to understand the relationship between family law and violence against women.

The last two essays consider the implications of Hudson, Bowen, and Nielsen's analysis for feminist strategies to end violence against women. While inequitable family laws may be strongly associated with higher levels of violence against women, Debra De Laet demonstrates in her essay a skepticism as to whether changes to formal law can address

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discrimination and violence against women. For De Laet, law is not itself the mechanism of social change, but rather an outcome of modified practice. She argues that focusing on the informal political and economic contexts that sustain discriminatory practices is likely to be more effective. She cites the practice of footbinding in China, which disappeared as a result of changing economic conditions that weakened patriarchal family structures, increased opportunities for women, and in so doing, undermined the harmful practice within families. Empowering local actors, including women, to improve women's lives and protect themselves would be a potentially more fruitful and more feminist approach than proscribing one-size-fits-all law.

From a critical feminist perspective, a troubling implication of the Hudson, Bowen, and Nielsen article is the false choice it sets up between religious/cultural particularism and secular universalism. And when secular universalism is preferred, the liberal state together with the heterosexual nuclear family are considered to be the ultimate enablers of gender equality and women's rights. Meghana Nayak's essay points out that all states, regardless of their legal, cultural, or religious norms, seek to regulate family and sexual relations to garner power and legitimacy. Moreover, secular states such as the United States — where formal equality within the family is legally inscribed — have failed to entrench legally and constitutionally gender equality by passing the Equal Rights Amendment or ratifying the UN Convention on the Elimination of All Forms of Discrimination Against Women. Thus, any dichotomy between western and non-western states apparent in Hudson, Bowen, and Nielsen's model is not helpful from a feminist perspective that seeks to promote women's human rights in diverse social contexts and legal traditions rather than reinforce global hierarchies.

We applaud Hudson, Bowen, and Nielsen (2011) for their effort to study the structures that shape and perpetuate violence against women around the world. The struggle to end this violence, we are agreed, is an important purpose of scholarship and debate in the field of politics, international relations, and gender.

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