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Richards, David L. and Jillienne Haglund. Violence Against Women and the Law

Monica Teixeira de Sousa

New England Law | Boston, mteixeiradesousa@nesl.edu

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Richards, David L. and Jillienne Haglund. *Violence Against Women and the Law*

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Reviewed by Monica Teixeira de Sousa, Professor of Law, New England Law | Boston

The book written by David L. Richards and Jillienne Haglund ambitiously sets out to provide an original data-driven analysis of the relative strengths and weaknesses of various countries' domestic legal frameworks surrounding what the authors describe as a "global pandemic" of violence against women. The book begins on solid footing with the account of one Australian woman's rape and murder and the authors' consideration of the ways in which this crime was potentially enabled by that country's existing laws and traditionally weak responses on the part of law enforcement authorities to complaints brought by women. Initially, it appears the authors will seek to challenge the efficacy of existing legal frameworks, policies, and practices, in developed nations such as Australia. The authors set the stage for a sharp critique of prevailing and inadequate legal responses on the part of state actors by devoting an entire first chapter to a comprehensive discussion of four forms of violence against women: sexual harassment, rape, domestic violence, and marital rape. This chapter is exhaustively researched and provides a staggering account of the myriad forms in which women are harmed by the violence directed against them.

The book's second chapter is slightly less effective due to the expansive breadth of what the authors attempt to cover. Their efforts to "elaborate on domestic political, economic, and social or cultural explanations for the strength and enforcement of legal protections against gender-based violence," all within a single chapter, feel rushed and superficial. If the authors' goal is to provide a succinct expository introduction for students, then the chapter succeeds in outlining the primary contextual drivers of legal developments in the field of violence against women. Otherwise, the authors' treatment of independently complex topics such as micro- and macro-level economic factors feels abbreviated and cursory. In addition, the authors at times fail to connect the discrete topics they are covering to the overarching thesis of their book, and the result is a disjointed reading experience.

The brevity which detracted from the strength of the second chapter works to the authors' advantage in the third chapter as they explain the international and domestic legal frameworks

surrounding violence against women. In a manner to be envied by law professors everywhere, the authors are able to carefully unpack complex legal questions and provide a very clear and thorough description of major international treaties, their impact on legal developments at the individual state level, and critical responses to the relationship between international human rights law and domestic legislation. This chapter would be a welcome addition to the syllabus of any law professor engaged in teaching a course on international human rights law, and the authors are to be commended for their skillful treatment of a complex discipline.

The authors next present a detailed account of the methodology employed in creating their “original data on the presence and strength of four types of domestic statutes addressing violence against women.” This fourth chapter suffered a bit from the authors’ insistence on making the case for the use of a quantitative approach in international-relations literature. In my view, it would have been more powerful to rely on the strength of their findings to make such a case to the reader. This chapter did not succeed as a bridge between the descriptive sections of the book and the final chapter in which the authors reveal the discoveries of their data. In some ways, it was a bit anticlimactic, as the power and strength of the authors’ initial arguments were muted by the technical nature of their writing in this section. The fourth chapter also clearly reveals that the authors ultimately opted for a meta-level analysis that, in its attempt to see the forest through the trees, blurs the individual trees felled each year as the result of the violence “directed against a woman because she is a woman.”

Although the authors are careful to include case-studies and accounts of individual women impacted by violence throughout their work, these scenarios appear in service of their larger quantitative study, rather than as the central actor in their work. In addition, and perhaps more damaging to the authors’ initial framing of the problem, the choices made by the authors in designing their quantitative study appear to be at odds with their goals in writing the first three chapters. Ultimately, in their final chapter, the authors unveil a rather conventional rankings methodology ostensibly designed to weigh the relative strengths of domestic legal protections against the aforementioned forms of violence against women. Unsurprisingly, the countries earning highest marks include Australia and the United States while Saudi Arabia and Yemen are among the lowest performers.

The reader is left with the distinct impression that the data set created by the authors might have the perverse effect of lulling nations such as Australia and the United States into a false sense

of superiority in the area of violence against women. After all, if the authors' data reveals that these countries' domestic legal frameworks provide "full" legal protections against the four specific forms of violence studied by the authors, what urgency may be claimed by advocates seeking to reform laws, policies, and practices. Perhaps the greatest weakness in the work can be tied to the researchers' methodology, and its inability to capture fuller measures of domestic legal frameworks and their limitations in responding to violence against women. Despite these issues, the authors nonetheless succeed in contributing a thorough, comprehensive, and well-researched analysis of the complex relationship between the prevalence of violence against women and the role of law.