

The Othering of Domestic Violence: The EU and Cultural Framings of Violence against Women

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Violence against women is a universal problem, affecting women at all levels of society; however, differently situated women have unique experiences with violence. Theoretically, this calls for the necessity to balance universality with intersectionality. Analyzing EU policy texts, we argue that the recognition of different forms of violence has led to an increased tendency toward culturalization, i.e. articulating culture as the only explanation behind certain forms of violence or focusing exclusively on culturalized forms of violence. While largely ignoring the gendered nature of violence, cultural framings of violence also create a dichotomy between “insiders” (non-violent Europeans) and “outsiders” (violent others).

An ongoing challenge in the movement to eliminate violence against women and girls is how to deal with intersecting forms of oppression. While universal framings of gender-based violence have been instrumental in pushing for policy action, more feminists now recognize that acknowledging the specific experiences and needs of differently situated women is crucial for coming up with more effective policy solutions. However, at the same time that advocacy groups are starting to incorporate different experiences in more productive ways, the movement has faced cooption by conservative groups that essentialize “difference” in detrimental ways. The “War on Terror” and its quasi-feminist and racially problematic rhetoric of saving Muslim women from Muslim men alongside xenophobic anti-immigrant sentiments that construct cultural “others” have impacted the political environment, such that the invocation of difference in anti-violence policies runs the risk of further marginalizing vulnerable groups rather than aiding them. These tendencies are aggravated by a process of Europeanization that sometimes relies on the emphasis of cultural outsiders in order to construct a common European identity.

This phenomenon of culturalization has become increasingly more apparent in the European Union (EU). Over the past several decades, the EU has

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responded to the transnational advocacy of the anti-violence movement by developing an extensive body of soft law legislation and capacity building measures that has raised the profile of gender-based violence as an issue meriting European attention and resources (Montoya 2009, 2013; Kantola 2010; Rolandsen Agustín 2013). In recent years, however, there are increasingly evident contradictions in the ways EU institutions address the potential differences among women. At the same time, the EU acknowledges the prevalence of gender-based violence, it has begun to place more of an emphasis on “cultural” forms of violence and on certain groups of women. Rather than highlighting situational context in an attempt to better serve these women, this discursive shift places the violence of “others” in contrast to presumed “European” gender equality and anti-violence values. The rhetorical regard for women’s human rights is used by Western European countries to assume moral authority, regardless of the fact that gender-based violence remains prevalent in these countries. This positioning has facilitated the creation of substantial policy aimed not at member states, but toward dealing with the violence in “other” cultures: the distant candidate and prospective states such as Turkey and the Western Balkans, the developing countries of the global South, or the immigrant communities residing within the borders the EU. These constructed “others” are, in effect, held to a higher standard than the established member states or those accepted as “good Europeans.” To this extent, anti-violence policy becomes less about protecting women’s human rights and more about establishing boundaries between European insiders and outsiders.

In this paper, we examine and critique the ways in which the EU has incorporated and framed difference in various policy initiatives aimed at combating gender-based violence. Whereas previous studies have focused on these tendencies at the national level (de los Reyes 2003; Roggeband and Verloo 2007; Korteweg and Yurdakul 2009; Carbin 2010; Withaecx 2011), EU policies on violence against women have yet to be similarly scrutinized. Using critical frame analysis, we examine EU policy over time and across institutions. The temporal comparison allows us to chart the shift in discourse accompanying rising xenophobia and shifting political influence within the EU. The cross-institutional comparison allows us to identify and interrogate the framing sites of anti-violence discourse. The paper is divided into four sections: First, we discuss theoretical perspectives that emphasize the importance of how intersectionality should be integrated into efforts to combat violence against women. Second, we introduce the discourses on violence against women in the policy framework of the EU, the framings articulated, and the positions of the main institutional actors. Third, we embark upon the analysis of cultural framings of domestic violence policies within three different sites: the European Parliament, the European Council, and the European Commission. Finally, the conclusions sum up the main findings and suggest possible feedback into the theory on cultural framings in policymaking.

Inclusionary versus Exclusionary Approaches to Anti-Violence

The universal framing of violence against women has gone a long way in shaping the success of the movement. Whereas many contemporary women's movements are divided along the lines of race, sexuality, ethnicity, and class, the recognition of gender-based violence as widespread and pervasive has created a transnational movement mobilizing women across social and geographic borders. The contention characterizing the early United Nations Women's World Conferences began to abate when women from diverse backgrounds found common ground on the issue of violence, resulting in very visible examples of activism, such as the Vienna Tribunal at the UN Human Rights Conference in 1993 and the Beijing Women's Conference in 1995. The universal framing has also been utilized as a successful strategy to demonstrate political salience and demand response from international and national institutions (Nixon and Humphreys 2010; Montoya 2013). There are now numerous instruments calling for the eradication of violence against women. While there is much evidence to support the importance of a universal frame, another empirical reality of domestic violence is that the experiences of women are qualitatively different. While the universalizing approach has been pivotal in both mobilization and agenda setting, scholars and activists have noted its limited utility in addressing the specific policy needs of battered women from diverse backgrounds and circumstances (Crenshaw 1997; Burman *et al.* 2004; Smith 2005; Solokoff and Dupont 2005). The anti-violence movement, which arose out of radical feminism and its emphasis on patriarchal oppression, has been slow to acknowledge that the trauma of domestic violence is frequently amplified by victimization outside of intimate relationships, including that caused by racism, xenophobia, heterosexism, and class oppression. Development of effective strategies requires that we take into account the particular histories and conditions of violence (Smith 2005). Determining how to constructively incorporate intersecting oppressions is an arduous task. Drawing attention to the needs of particular groups can serve to intensify marginalization. The subsequent sections distinguish between inclusionary intersectional practices that incorporate the different experiences and needs of women in productive ways and problematic exclusionary approaches that create and exacerbate dichotomies between cultural "insiders" and "outsiders." We argue that making these distinctions is crucial for constructing solutions that help rather than hinder the most vulnerable group of women.

Inclusionary Approaches to Difference

While intersectional work on gender-based violence is relatively sparse, there are important studies that underscore the importance of more inclusionary approaches. Although many women face similar obstacles in leaving

violent relationships relative to white or cultural majority women (i.e. money, childcare, housing, transport), these issues may carry group-specific inflections that are exacerbated by other sources of oppression (Burman *et al.* 2004). Institutionalized racism precludes women of color from effectively utilizing the state services or protections in seeking help with domestic violence; Crenshaw (1997) points to the fact that women of color suffer disproportionately higher unemployment, lack of job skills, and face discriminatory employment and housing practices. Women of color are more likely to be arrested when reporting violence (Potter 2008). The situation for immigrant women is particularly precarious (Burman *et al.* 2004; Kasturirangan *et al.* 2004; Das Dasgupta 2005). Tenuous legal status and xenophobia serve as impediments for obtaining aid or recourse, as do state immigration practices such as restrictive access to employment and custody laws, increasing the dependency of women on violent partners and welfare laws may preclude them from state services. Poverty and isolation mean that they may find themselves in a situation of exacerbated dependency and with fewer resources to escape the violence.

An inclusionary approach might place the needs of the most vulnerable women at the center of the policy analysis rather than at the periphery or as an afterthought (Smith 2005). A model for more inclusive policymaking must evaluate the representative nature (or lack thereof) of the policy process as well as the extent to which inequality categories are systematically taken into account during policy formation (Lombardo and Rolandsen Agustín 2012). Intersectionality must be understood not as a static list of structural locations, but rather dynamic inequalities in changing relationships with each other: it is both individual and institutional as “part of basic explanation of the social order as such” instead of add-on analyses (Ferree 2009: 87). Democratic intersectionality includes a structural dimension (power inequalities) as well as a dynamic perspective, which covers conflicting interpretations of inequalities among relevant actors (Squires 2007). Thus, a model of intersectionality which is highly contextualized and takes into account dynamic relations has the potential of conceptualizing difference between groups of women as well as contestations emerging from heterogeneity (Rolandsen Agustín and Siim 2013).

When formulating policies, intersectional oppression or the interaction between inequality categories can occur in inclusionary or exclusionary ways. Inclusionary intersectional efforts focus on recognizing the interplay between different inequality creating categories and its negative effects. The ultimate aim is to further equality while respecting and addressing diverse experiences (Christensen and Siim 2010; Rolandsen Agustín 2013). An inclusionary intersectional approach to policymaking should avoid stigmatization of specific groups, i.e. framing particular problem holders in a negative way (Roggeband and Verloo 2007; Lombardo and Rolandsen Agustín 2012).

Exclusionary Approaches

While a failure to acknowledge contextual differences among women can be detrimental to the fight for women's rights, so can overemphasizing it. Whereas an inclusionary model of intersectionality acknowledges different positionalities while aiming for equality in policymaking, exclusionary approaches emphasize one inequality at the expense of or accentuation of other inequalities. Advocating gender equality may happen through exclusionary practices that construct and emphasize the difference between an ethnic majority "us" and an ethnic minority "them" which is victimized or patronized.

Violence against women of color is often either invisible or pathologized (Burman *et al.* 2004): such has been the case when "culture" is invoked as an explanation for the violence perpetrated by and against members of certain societies or social groups. This issue has been a point of contention between feminists. Okin's well-known essay "Is Multiculturalism Bad for Women?" positioned feminism in opposition to multiculturalism in what she characterizes as fundamental conflicts between commitments to gender equality and respect for the customs of minority cultures. Critics of the essay argue the limited utility of this debate as well as its problematic construction of "other." For example, Volpp (2001) argued that one can uphold a universal feminist value, such that violence against women is never okay, and still integrate a more accurate and intersectional examination of women in different societal positions. Another objection to Okin was that she accepts rather than challenges culture as an underlying cause for violence. Furthermore, she is complicit in distancing or "othering" non-Western cultures. This is most evident in her assertion that women "might be much better off if the culture into which they were born were either to become extinct . . . or, preferably, to be encouraged to alter itself so as to reinforce the equality of women—at least to the degree to which this value is upheld in the majority culture (Okin 1999)."

We argue that the emphasis on "cultural" forms of violence is harmful in several ways. First, it obscures the degree to which gender-based violence is rooted in structural inequality. Whereas a common feminist frame for violence against women is that it is based on structural gender inequality, the shift to culture deemphasizes it as a root cause. In her analysis of national debates in Sweden, de los Reyes finds that violence against women is either explained as an expression of traditional cultural patterns within immigrant communities or as a result of universal, structurally unequal gender power relations (de los Reyes 2003). A dichotomy is created between *us*, i.e. the national culture, and *them*, the immigrant culture. This emphasis also overlooks other structural forces that shape women's experiences with violence, including global inequality, religious fundamentalism as a legacy of colonialism and racism, and the flow of capital transnationally as well as domestically (Volpp 2001).

Second, culturalization of violence serves to further marginalize an already vulnerable group. It posits “other” women as perennial victims and men as the “barbaric other.” Spivak (1988) aptly articulated the trope of the Western/white need to “save brown women from brown men.” Kantola (2010) identifies “cultural blaming” in her study of the EU, whereby states blame violence on minority cultures and establish an inherent relation between culture and violence which is harmful to women. The risk of these articulations is that gender-based violence becomes a phenomenon related to the minority culture exclusively, constructing the immigrant male as inherently violent, and making violence within majority cultures invisible (de los Reyes 2003). Analyzing human rights processes at UN level, Merry (2003, 974; 2006) argues that transnational elites in these settings often locate culture at the local, rural level and not among themselves, as “out there, in the hinterland, with the minorities, while here there is law, with culture hiding from view, buried in the everyday practices of modernity.” From any perspective of “us”, minority groups tend to be viewed as more *cultural* (Phillips 2007).

Third, the emphasis on particular forms of violence serves to undermine the seriousness of gender-based violence in all its forms and perpetuates its normalization. When certain forms of “cultural” violence are prioritized, the more commonplace brutality against women loses some immediacy as an issue needing to be taken seriously (Narayan 1997). Narayan argues that although domestic violence murders in the United States are as numerically significant as dowry deaths in India, only one is seen as cultural backwardness. In Europe, femicides resulting from domestic violence are more prevalent than honor killings; yet, the outrage for honor killings is much greater. There are specific laws being adopted for these “cultural” femicides, but those occurring in other “white European” domestic situations are usually handled under gender neutral laws on homicide.

Making Distinctions between Inclusionary and Exclusionary Approaches

While theoretically, the distinction between inclusionary and exclusionary approaches seems clear, when applied to policy discourse, this is not always the case. Norms on egalitarianism are often strong enough to mediate blatant discriminatory markers (although there are examples of these as well) while not necessarily changing beliefs or motivations. The EU has strong rhetoric about European values supporting equality; therefore, we expect any ethnocentrism in policy discourse to manifest itself in more insidious ways. Context, thus, becomes a crucial part of the analysis. An inclusionary discourse might frame violence against women in universal terms (widespread and pervasive) and in reference to gender equality, while also noting the different experiences and needs of marginalized women. If specific forms of violence are referenced, (such as honor killings, forced marriages, or female circumcisions), they should be done so in the context of rather than distinct from domestic or family violence. An exclusionary discourse will center on specific groups of

women and particular forms of violence, deemphasizing or ignoring universal frames. Exclusionary discourse will make explicit or emphatic references to “culture,” “traditional,” or “custom.” In this sense, “culturalization” refers to processes whereby cultural difference is magnified; it contributes to the construction of “the other” according to certain cultural norms which are considered to significantly (and disproportionately) guide her/his behavior and attitudes (Briceño 2004). Thus, processes of culturalization in policymaking contribute and form part of collective identity construction as it usually highlights differences between majority and minorities in exclusionary ways. In the following, we will analyze how and why culturalization plays a role in policymaking processes within the area of violence against women across EU institutions.

Mapping EU Discourse on Violence against Women

Over the last several decades, the EU has become increasingly involved in the effort to combat violence against women. Although it has yet to adopt binding legislation, it has issued a number of soft law documents (resolutions, guidelines, and communications), facilitated capacity building for local and transnational efforts, and provided some oversight in monitoring conditions and efforts for countries seeking membership (Montoya 2009, 2013). Through this involvement, the EU has been an important part in the evolving transnational discourse on violence against women. An evaluation of these discursive contributions, however, requires understanding the EU as a complex system of multi-level governance, in which there are distinct institutions and actors engaging in what are sometimes competing and contradictory discussions of gendered violence. It is also a set of political institutions subject to variation in ideological trends in leadership. In this section, we outline our approach to analyzing anti-violence discourse within the EU’s particular organizational context.

Discursive Policy Analysis

A discourse is made up of norms, beliefs, and structural positions that gain momentum and regularity as members of society “routinely engage in arguments and discussions, and produce analyses and classifications that transform a relatively loose set of beliefs” into something more systematic (Delanda 2006, 75). Within the context of this study, discourse is a means of addressing how violence against women is understood and articulated within various EU institutions. Although there appears to be a growing consensus on the importance of addressing violence against women, there are points of both convergence and divergence on how the issue is framed. A policy frame is “an organizing principle that transforms fragmentary or incidental information into a structured and meaningful problem, in which a solution is implicitly or explicitly included” (Verloo 2005, 20). Contrary to discourses, frames are often

understood as more specific instruments which can be deciphered in individual texts through the identification of frame markers under the headings of diagnosis, prognosis, and voice (Ibid.). Furthermore, intentionally or unintentionally, frames take on a strategic function which is not immediately available to discourses, as these are conceptualized as overarching frameworks of meaning and cannot necessarily be attributed to explicit authorship in the same way as frames; thus, frames are the “conscious shaping of political demands to negotiate desired political outcomes” (Bacchi 2005, 204).

Critical frame analysis is an important part of understanding the nuances of policy because it helps to expose “conceptual prejudices” that have implications for how a policy will be understood and enacted (Verloo and Lombardo 2007). The diagnostic elements of a frame relates to the way in which the problem is represented, whereas prognosis concerns the proposals for a solution included in the policy (Verloo 2005; Verloo and Lombardo 2007). In our analysis of EU anti-violence policies, we look for culturalized framings. We understand these as frames which contain a cultural dimension in diagnosis and/or prognosis. Exclusionary forms of culturalized frames are identified when a strong emphasis on culture is articulated in the diagnostic representation of the problem in parallel with a diminished attention to any other dimension or trait of the groups causing or being affected by the problem. This exclusionary tendency is exacerbated when no proposals for a solution are offered, thus blaming culture without seeking a plausible solution.

Within the EU, there are multiple competing frames of violence against women, some of which include inclusive intersectional understandings and others which are more exclusionary. Not only is it important to identify these competing frames, but to locate the institutional context in which they are employed, a task to which we now turn our attention. The geographical metaphor of mapping is used to highlight that discourse is created from different locations.

Mapping the Institutional Terrain of Discourse

While there are many sources of anti-violence discourse within the EU, we have focused on three of the institutions most active and relevant in creating EU policy. This includes: the Commission, the Council, and the Parliament. In this section, we provide a brief overview of the institutional context of each. Traditionally, the Council and the Parliament have played fairly limited roles in policy development. While the position of each has been substantially increased with recent treaties, the Commission still plays the most influential role in determining policy direction. All three contribute to the policy discourse, but ultimately the Commission determines how the rhetoric is translated into action.

The Commission is arguably the most important policymaking body as it presents proposals for law, oversees implementation of EU Treaties and laws in member and candidate states, and carries out common policies. It is made up

of twenty-eight commissioners (one representative from each member state) appointed by the elected President of the Commission, and is responsible for promoting the general interest of the EU. The Commission has been fairly representative of women, at least more so than the governments of some member states, but racial or ethnic representation is minimal or nonexistent. As the institutional representative of the EU as a whole, its involvement in the gendered violence discourse is not always about violence against women, and instead sometimes reflects other issues of power politics (Rolandsen Agustín 2013). It is often run by technocrats who may have little expert knowledge of the issue or experience with outside feminist movements. The Commission does consult with outside groups in a corporatist type arrangement, granting access to umbrella organizations. However, access has not necessarily translated into influence, as recent trends will indicate. While the center-right Commission of recent years has addressed the issue of violence, it has been judicious in assuming supranational jurisdiction for the EU and instead places responsibility on member states to voluntarily change their policies and practices (Rolandsen Agustín 2013). One means of circumnavigating responsibility is by focusing on the violence of “others,” in the form of countries or diaspora outside the traditional Western membership, thus addressing a more transnational dynamic, something over which the EU has more established competency.

The Council represents the member states and is composed of various constellations of ministers (one from each member state) based on the issue being discussed. In regard to policymaking, it amends or votes on Commission proposed legislation with the Parliament, coordinates the policies of member states, concludes international agreements, and approves the budget. Its gender composition varies depending on nominating trends in national governing parties and depending on the issue being addressed. Historically, it has been the least amenable to addressing violence against women, as states have tended toward protecting their sovereignty on social issues where the EU may attempt to extend its purview, and being the most closed to outside advocacy voices. In more recent years, the Council has become more active in advocating an established for the EU in efforts to combat violence against women. This support is variable, however, depending on the leadership of countries with extensive policy (and domestic advocacy) combating violence against women. With the European shift toward the right, it has also been more politically conservative which has shaped the tone of anti-violence rhetoric.

The Parliament has been one of the most prolific contributors to discourse on violence against women; however, until recently it was one of the least influential EU institutions. As of July 2013, it is composed of 766 elected members and serves as the democratic body of the EU, charged with representing the citizenry. Under the most recent treaties, it shares many of the same responsibilities as the Council in amending or voting on Commission proposed legislation. The Parliament’s Committee on Women’s Rights and Gender Equality (also known as FEMM) has played a significant advocacy role. FEMM is

frequently populated by female parliamentarians active in domestic and transnational women's movements. Through its system of expert hearings and consultations, it is also one of the access points for outside advocacy groups. Over the years, the committee members have served to broaden the definition of violence against women and to provide concrete recommendations for the Commission and the member states. They have adopted a number of important resolutions that have served to influence European discourse. It is important to note, however, that the Parliament has very low levels of representation for racial or ethnic minorities. In the growing Parliament which ostensibly represents over 500 million people from 28 countries, the number of nonwhite representatives is usually in the single digits.

European Texts and Contexts

In our discursive analysis, we focus on the texts produced within the various institutional settings. A text is the specific and unique realization of a discourse. While there are many artifacts that might constitute a text, we focus primarily on policy documents. In addition to comparing texts across institutions, we also compare the text across time to show the impact of historical events on discursive trends. In particular, we identify three temporal shifts that have an impact on the anti-violence discourse and its approach to difference.

The first time period fits roughly within the 1980s as the European national movements on violence against women were gaining momentum. Violence against women was a relatively late addition to the political agenda for national women's movements. Often it was radical or socialist feminists who took up the issue, and because of their intense skepticism of state solutions, focused their efforts on local grassroots service provisions. The shelter movement that emerged in the 1970s reflected this approach, and it was not until the 1980s that violence became a more audible part of movement's political discourse. Relatively few EU member states adopted laws to explicitly address the issue of gender-based violence. Although the discourse is sparse in the EU during the 1980s, we find that the discourse is influenced predominantly by the radical and socialist framings of gender violence which emphasize gender and economic inequality. When contextual differences are addressed, this is largely in relation to that of economic factors. In the 1990s, with rise of the international movement and transnational mobilization, there is increased European attention given to violence against women both at the national and transnational levels. This unified effort was largely predicated on a strong shift toward framing gender inequality and violence as a universal experience. Thus, we see an emerging discourse where contextual differences are minimized. In the 2000s, particularly after 2001, we see diverging frames about difference among women. Exclusionary framings emerge as a part of the growing wave of xenophobic Islamophobia in Western Europe along with the strategic use of "European values" to construct European insiders and outsiders. The other more inclusionary frame emerges as an attempt to balance out universality

with intersectionality and in opposition to exclusionary frames. In the following, we will illustrate these findings in terms of discursive shifts and tendencies in EU anti-violence policies by providing textual examples from key policy texts of each time period.

European Parliament

The Parliament is an appropriate place to start our analysis because it was the first EU institution to address the issue of violence against women and is the most profuse in its discursive contributions. The Parliament began this discourse in the 1980s at a time when feminist mobilization for the issue was just gaining momentum and few member states had adopted legislation explicitly dealing with domestic violence. That an EU institution took up an issue so far outside its legal purview and in advance of some of its membership is surprising. That it did so is largely due to the activism of the women in the Committee on Women's Rights. There are several documents in particular where we can identify the framing of contextual difference, including the 1984 Report and Resolution on the situation of women in Europe, and the 1986 Report and Resolution on violence against women.

The 1984 Report and Resolution on the Situation of Women address the issue of violence against female migrants. It is articulated within the context of domestic violence more broadly, but with particularized reference to migrant women's economic and legal dependency on their husbands (Doc. 1-1229/83; OJ C 46):

“Most of these women accept total subordination to the man and even when they are ill-treated and beaten often do not rebel because in their isolated position even a violent husband is a point of reference to which they cling, in the majority of cases these women have no financial independence since they are housewives or have had unreliable and poorly paid jobs” (Ibid.: 249).

This quote highlights both inclusionary and exclusionary tendencies. The first part of the statement is exclusionary in the essentializing statement that “most of *these* women accept total subordination to the man.” The broad generalization and the othering language of “these women” in assumed opposition to other European women who do not accept this subordination reifies the marginalization of migrant groups as outsiders. On the other hand, the quote also highlights the root causes of violence as lying both in the asymmetrical gender power relations and in the situation of marginalization and isolation, which follows from being an immigrant. Economic dependency and lack of rights in the context of immigration policies intersect, and the problem of violence is exacerbated for migrant women because they lack the protection of citizenship in the country of residence. The unique intersection arising from discrimination due to subordination vis-à-vis the majority population is highlighted by attention to the immigration process in itself. This tension between universal

and particular experiences is seen in the following two examples taken from the text:

“The forms of discrimination which lead to the ostracism of immigrant women are widespread and vary little from one country to another. They stem from the idea of women as subordinates, belonging to the lowest social strata, and as foreigners from the poorest countries with different racial backgrounds.”

“Women and girls [from minority groups] are affected not only by the differences in social status between men and women in general and within their own cultural groups, they are also penalized by the fact that they belong to a cultural minority.”

In both of these examples, the common dimension of male violence against women is highlighted by the fact that the majority’s discrimination of immigrant women is related to a perception of women as inferior to men, i.e. gender inequality exists in all societies. When culture is mentioned, it is in relation to inter-group relations (host country population and minority groups), not intra-group dynamics. Thus, the cultural dimension is articulated in relation to the fact of being a minority within a majority.

Regarding the solutions offered, the 1986 Report and Resolution on violence against women provide policy direction. Like the 1984 documents, the discussion of migrant women in these documents makes reference to the tenuous position of women. Both documents recommend having information available in different languages, separate reception facilities, and the right to communicate with a female police officer if needed. Furthermore they discuss that women’s rights in relation to immigration should be strengthened: individual residence permits should be issued in order to decrease immigrant women’s dependency on their husbands and sexual abuse should be recognized as a ground for asylum.

There are also examples of exclusive framings of difference. For example, not unlike Okin’s critique of multiculturalism, the 1986 Resolution discusses how “cultural traditions” may undermine host-country legislation. There are references to “harmful customs” and “sexual mutilation”, which would later gain resonance in the policy agenda of both member states and the EU. While including “female excision and infibulation” in discussions of violence against women is not inherently problematic, it becomes so when used with the emotive language above and beyond that given to other more prevalent forms of violence, and when it is labeled a “barbarous practice,” implicitly distinguishing it from more “civilized” forms of violence.

In the 1990s, the Parliament (the FEMM Committee particularly) continues to address violence against women, but in the new context of a global movement and increased reform among member states. Many of the documents reference international documents, such as the 1993 Declaration for the

Elimination of Violence against Women or the 1995 Beijing Plan of Action. Here, we look at two Parliament texts: the 1997 Resolution and the 1999 Report on establishing the Daphne Program aimed to prevent violence against children, young persons, and women. Neither text accords much attention to the issue of differences between women, instead mimicking the strong language of universality. The Resolution stresses the prevalent nature of violence, but with little recognition about how intersectional oppressions might impact certain groups of women. The one exception to this is found in relation to migrant women, in which member states and the Commission are simply called on to pay special attention to the position of migrant women without any elaboration. As the issue of violence against women was being consolidated in the EU at this time, the 1999 Report was preoccupied with defining the concept in itself. It does, however, emphasize the need to pay attention to “categories particularly at risk: migrant and refugee women, illegal entrants, ethnic minority women, women living in poverty, women in rural, isolated areas; disabled women in institutional care; women in prisons.” Thus, a broad notion of difference is taken into account; but with no elaboration on the particular needs of the risk groups. Furthermore, the phrasing of “illegal entrants” is not understood to be a particularly inclusive frame.

At the turn of the century, we start to see a shift in policy discourse: the articulation of violence against women as a policy problem in the EU documents is increasingly related to the issue of migration. This occurs in both exclusionary and inclusionary manner. Here, we focus on the 2005 FEMM Report on the current situation in combating violence against women and any future action as well as the related 2006 Resolution on the same topic. The policy documents pay particular attention to members of “culturally specific communities or ethnic minority groups,” but in a manner that is more exclusionary than found in earlier time periods. Thus, the 2005 FEMM Report states that:

“ . . . whereas the types of violence affecting women can vary according to cultural tradition, ethnic origin, or social background; whereas female genital mutilation, so called crimes of honor and forced marriages are now a reality in the European Union as well . . . ”

While the first clause is ostensibly compatible with inclusionary intersectional approaches, the second clause mitigates this by drawing attention to particular forms of violence with a reference to their foreignness. This is illustrative of a growing trend where cultural tradition and ethnic origin are used to characterize the type of violence committed against migrant women with little, if any, reference to the more prevalent forms of domestic battering committed against these same women. This is a departure from the discussion of migrant women found in the early documents of the eighties. Rather than contextualizing the experiences of migrant women and discussing their particular needs for escaping domestic violence (a form of violence experienced by all women),

emphasis is placed on the forms of violence which are identified as cultural. Culture used in this way distances migrant women from ‘Europeans.’

The culturalized forms of violence are considered to be ‘imported’ into the EU through immigration (“*now a reality in Europe as well*”, our italics). This is highlighted by a Socialist member of the European Parliament in the plenary debate on the report (February 1, 2006): “The report devotes great attention to the worrying spread of honour killings and genital mutilation in the European Union. These are traditions that immigrants bring from countries where the balance of power between the sexes is even more skewed than it is in Europe.” The migratory, cultural framing is, thus, related to a parallel framing of European values, creating a division between *us* and *them*, i.e. the ones bringing these kinds of violence to Europe.

While most of the references to difference during this time period tend to exacerbate the “otherness” of marginalized groups, there is evidence of some efforts to include more inclusive intersectionality as a means of more effectively combating violence against women. For example, the 2006 Resolution offers constructive recommendations regarding “the specific forms of violence that [ethnic minority] women encounter and planning appropriate methods of dealing with them”, such as increasing the number of shelters and providing specialized training for experts dealing with honour crime victims. Whereas this framing continues to fall short of addressing other forms of violence, such as battering, in relation to migrant and ethnic minority women, it does demonstrate an extended understanding of the need for providing solutions to the problems identified. Instead of simply underlining culturalized forms of violence as a problem, it takes it seriously by balancing out the identified diagnosis with an appropriate prognosis or suggestion for solution, in this case protection of the victims.

The Council of the EU

While the Council subscribes to a large part of the Commission discourses within the field of violence against women, as co-legislator and co-signer of a number of Commission documents, it also issues independent policy texts, mostly in relation to Council presidencies (where one member state is in charge of the Council, six months at a time) and related Council meeting conclusions. Violence against women has been emphasized as a recurring policy issue by successive presidencies over time (Kantola 2006, 2010; Rolandsen Agustín 2013; Montoya 2013). Here, we focus on the Dutch presidency in 2004 and the Spanish presidency in 2012, as well as the EU guidelines on violence against women and girls and combating all forms of discrimination against them from 2008.

The issue of “customary or traditional practices harmful to the health of women and girls” was prominent on the agenda of the Dutch presidency in Fall 2004; Council conclusions from December 2004 briefly state the aim to prevent and eradicate these forms of violence. During the presidency, a

Ministerial Conference on *Diversity and participation: the gender perspective* was held. The conference conclusions show a nuanced perspective on the issue, interrogating ways to combine human rights and integration policies. The conclusions explicitly refer to the need for taking “into account the full diversity of women’s situations and conditions” and “ensure the full realization of the human rights of all women migrants, including women migrant workers, and their protection against violence and exploitation.” In practice, however, it is not spelled out which forms of violence this ultimately refers to as the document only references “harmful customary or traditional practices, including female genital mutilation, early and forced marriage and so-called honour crimes.”

Subsequent Council documents have typically included references to ‘harmful traditional practices’, without going into the details of diagnosis or prognosis, and the need to pay special attention to disadvantaged or vulnerable groups, such as “children from immigrant and ethnic minority background.” The EU guidelines on violence against women and girls and combating all forms of discrimination against them (2008) follow this general tendency. It is a comprehensive document which emphasizes the universality of human rights but pays little attention to difference. However, the annex attached to the document adopts a more balanced approach: while classifying honor killings, female genital mutilation (FGM), and other traditional practices harmful to women as ‘violence within the family’, the annex emphasizes the interrelatedness of different forms of violence and the way in which they differ according to social, economic, cultural, and political contexts. It adds an inclusionary dimension by stating that “[c]ertain factors render victims more vulnerable as a result of the multiple discrimination they endure, related both to their gender and the fact that they belong to distinct minority or ethnic groups”, among other things (a rather large list of specific groups of women is provided). Thus, even though the document places the focus on diagnosis, it is relatively more complex in its approach to violence and difference.

One of the more recent presidencies, namely that of Spain in Spring 2010, made great efforts to add violence against women on the EU agenda. In terms of attention to difference in this regard, the Council Conclusions on the Eradication of Violence Against Women in the EU mention the fight against harmful traditional practices, mainly by referring to the conclusions of the conference held during the Dutch presidency in 2004. More specifically, the 2010 conclusions highlight the need to “identify and remedy any shortcomings in the protection of women who are victims of violence in any form, including FGM, and violence and oppression in the name of so-called honour; and ensure that there is no justification of violence on the grounds of customs, traditions or religious considerations.”

The overall development in Council policies points to an increased attention to violence forms related to “harmful traditional practices.” One Council official interprets the slight shift in attention and the agenda setting of different

forms of violence as a reflection of societal developments, i.e. the increased migration flows into Europe in recent years:

“The fact that Europe has been receiving immigration, well, it has made us confront much clearer, perhaps, issues like female genital mutilation, honour crimes, forced marriages. Issues which we, perhaps, had overcome a little already. [...] It is inevitable that, we are seeing these phenomena in Europe now, first and foremost because we have immigration” (Council Official, interview June 2010).

The focus on ‘harmful traditional practices’ is mainly expressed in Council policy documents as very general statements, focusing exclusively on diagnosis. On a few occasions, a more nuanced view on violence and difference is set forward, though this never leads to documents digging deeper into the specific problems and, much less, their potential solutions.

European Commission

There are three primary ways, in which the Commission contributes to efforts, discursive and otherwise, to combat violence against women: in documents articulating gender equality policy, in the Daphne Program (its policy vehicle for capacity building within the area of preventing violence against children, young persons and women), and in the accession process. Until recent reorganizations, these three lines of policy were conducted in different locations within the Commission. General gender equality documents, for the most part, were generated under Employment and Social Affairs, where many of the EU’s women’s policy machinery (agencies, committees, etc.) have been housed. Daphne, until recently, was under the competency of Justice and Home Affairs. The accession process has been consistently under the jurisdiction of the European Enlargement. Of these three institutional bodies, Employment and Social Affairs might be considered the most gender conscious or at least the most likely to be in collaboration with feminists in the women’s policy machinery or in outside organizations such as the European Women’s Lobby.

General policy. The general policy documents on gender equality issued by the European Commission in the 1990s, namely the Community Action Programs on equal opportunities for men and women 1991–1995 (COM(90)449) and 1996–2000 (COM(95)381), do not address anti-violence policies, but focus instead almost exclusively on labour market policies, the main realm of EU competence at the time. However, the 2001–2005 program (COM(2000)335) identifies the fight against gender-related violence and trafficking as one of its operational objectives, relating it to the problem of structural gender inequalities. The program promotes an inclusionary, yet limited, approach to difference by emphasizing that: “particular attention needs to be paid to women who are subject to multiple discriminations (such as migrant

women or women with disabilities, older women, women at risk of social exclusion, etc.)” As a concrete measure in the prognosis, the program argues that short-term residence permits should be granted to victims of trafficking.

In the last five years, gendered violence is more readily addressed in important documents, although frequently in ways that reinforce perceptions of cultural outsiders. Here, we analyze three such documents. The first document, the Roadmap for Equality between Women and Men (2006–2010) (COM(2006)92), was written as a broad document outlining six priority areas for EU action on gender equality. The inclusion of “eradication of all forms of gender-based violence” as one of these areas represented a more active role for the Commission in combating violence against women. While this is an inclusive goal, emphasis is placed on the need for “urgent action . . . to eliminate customary or traditional harmful attitudes and practices, including female mutilation, early and forced marriages and honour crimes.” That same urgency or emphasis is not placed on domestic violence. The second, more recently published Strategy for Equality between Women and Men (2010–2015) (COM(2010) 491 final), refers to many different forms of gendered violence; here, female genital mutilation is emphasized in particular and listed as the first key action within the field.

In contrast to the Roadmap, the third document, the Guidelines on Violence against Women and Girls Combating All Forms of Discrimination against Them, is a very comprehensive document including many forms of violence against women and explicit in laying out recommendations on how to address the issue. It makes references to a large international legal framework and the obligations of the state in combating violence against women. On most accounts, it is a very feminist document, adopting a wide and inclusive definition of violence against women. Like the international documents it references, it uses both a universal and intersectional framing of violence that characterizes gender-based violence as widespread but as also affecting vulnerable groups in different ways. The language in the document shows a good balance between universality and inclusive intersectionality. The major shortcoming of this document, however, is that it is directed only at EU external policy. Rather than applying the standards laid out in this extensive document on member states, the Guidelines are for countries external to the EU. This includes countries that are candidates, but not yet EU members, and countries (in particularly developing countries) with which the EU or member states may interact. That the Commission would adopt such a policy, which ultimately establishes higher standards for ‘outsider’ countries than ‘insider’ countries, is in part a function of the Commission’s limited jurisdiction on the issue in relation to the member states; however, it is also a reflection of the increasingly cultural conceptualization of violence against women as a foreign problem.

Daphne program. The Commission’s Daphne program is, arguably, the EU’s most concrete means of combatting violence against women and children

with over half of its projects focusing on gendered violence. Over the last fifteen years, it has been a significant source of funding, information, and networking for local and transnational organizations. The program has run in four phases and at each junction there is renewed debate over the legal basis of the program as well as debates over the framing and scope of the program. There have been shifts in budget, project requirement and regulations, as well as in the emphasis placed on certain projects. Such shifts frequently reflect the changing discursive environment, including the more recent emphasis on cultural and traditional framings of violence.

The 1998 Commission Communication establishing Daphne invokes the universal frame of violence against women as “present in all societies and at all levels of society, regardless of levels of development, political stability, culture and religion . . . It exists worldwide, and therefore is prevalent within the countries of the European Union.” It also makes reference to intersecting factors that increase the vulnerability of some women, including “the physically and mentally handicapped, those in ethnic minorities, migrants, refugees, victims of racial discrimination, those engaged in the sex-industry.” This is a fairly inclusive intersectional framing of violence against women, although it does not provide any specific solutions on how the needs of these women might better be addressed. This emphasis on the pervasiveness of violence is also found in the second phase, where violence is identified as “so widespread throughout the Community as to constitute a major health scourge.” It is, however, less intersectional, making no identifications of certain at-risk groups. Likewise, the third phase underscores pervasiveness, not only identifying violence as a health scourge, but as “an obstacle to the enjoyment of safe, free and just citizenship.”

The major shift in policy occurs in the 2007 policy setting up the fourth phase of Daphne. The document, which was approved by the Council and the Parliament, starts with much of the same language discussed above; however, there is a new framing of violence in the following statement:

“Violence against women takes many forms ranging from domestic violence, which is prevalent at all levels of society, to harmful traditional practices associated with the exercise of physical violence against women, such as genital mutilation and honour-related crimes, which constitute a particular form of violence against women.”

This increased emphasis was confirmed in an interview a Daphne staff member:

“Every year in our annual work program we set a number of priorities on what kind of projects we would like to fund. [. . .] recently, the past few years, for example, there has been increased attention on harmful traditional practices and female genital mutilation, which concern specific migrant groups that have particular practices such as honor killings,

female genital mutilation and so on.” (EC official, Directorate-General Justice, interview May 2010).

The bifurcation of the widespread domestic violence and these “traditional” forms of violence, particularly that expressed in the policy document, is exactly the “othering” we discuss as a part of exclusionary treatment of difference. It is a shift in focus which we see repeatedly in other parts of the Daphne program, such as the annual work programs and the calls for proposals. In earlier phases, Daphne used these documents as an attempt to guide the course of proposals so as to avoid duplication of efforts and to encourage innovation in new areas of violence research. In more recent iterations, these documents have placed “traditional” and “cultural” forms of violence at the forefront. In 2008, the top two priority areas identified are that of sexual trafficking (also an issue associated with foreign women and migration) and “violence and abuse linked to harmful traditional practices (e.g. female genital mutilation, forced marriage or forced sexual relations, and honour killing).”

Accession process. The accession process is the final Commission site included in our analysis. Accession is the intense process of negotiations and reforms that countries undergo to meet EU standards for membership. Accession places the EU in a unique position of oversight and coercive influence regarding a wide range of policy areas in candidate countries. In order to become a member of the EU, candidate countries are required to adopt the EU *acquis communautaire*, the entire body of legislation that includes hard law (treaties and directives with binding legal authority) as well as soft law (the less binding recommendations and resolutions that nonetheless serve to chart a normative direction for social policy). Although violence against women was not an integral part of the initial accession negotiations between the Commission and candidate states, it has been increasingly included in the yearly monitoring process that is a part of accession.

A cross-temporal and cross-national analysis of the progress reports from 1998–2009 provides the means to evaluate EU trends in monitoring violence against women in the accession process. An aggregate analysis simply noting the number of times in which domestic violence is addressed shows a steady increase in the scrutiny placed on countries regarding domestic violence, particularly in the later waves of accession. For countries undergoing the first wave of accession in 2004 (Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia), domestic violence is only mentioned in 10% of the reports (for Cyprus, Poland, and Slovakia). For countries under consideration for membership after 2004 (Albania, Bosnia, Bulgaria, Croatia, Kosovo, Macedonia, Montenegro, Romania, Serbia, and Turkey), domestic violence is mentioned in 87% of reports. There are also noticeable qualitative differences in the extent to which domestic violence is addressed in monitoring reports. In regard to cross-temporal comparisons, the

earlier reports contain vague and brief references to policies on “spousal abuse”, “wife battering” or “violence within the family.” There is no common language, let alone a recognizable standard or criteria for evaluation. From 2007 onwards, there is a more uniform and extensive oversight regarding “domestic violence” laws *and* practices in the newer candidate and prospective states.

The increased scrutiny has been a function of several factors. First, the EU has developed more explicit recommendations, most notably the 2006 Parliament Resolution on the Current Situation in Combating Violence against Women and Any Future Action which specifically calls for the Commission to more closely monitor violence against women in acceding countries. Second, increased scrutiny demonstrates a spillover monitoring effect, in which Commission concerns with lower levels of performance on other accession indicators related to economic and political stability contribute to increased scrutiny in other areas (Montoya 2013). A deeper reading of the reports, suggests that culturalized conceptualizations of violence also play a subtle role in the monitoring process. A discursive analysis shows that some countries are singled out as less European.

The most obvious example for culturalized violence discourse in the accession process is that of Turkey. Turkey is the only country with reports for every year in the sample, reflecting its unique situation of perpetual candidacy with glacial progression to membership. In every monitoring report for Turkey, violence against women is discussed frequently in detail. While this is consistent with the monitoring of candidate and prospective candidates in later years, it is an anomaly in the earlier reports. Many of the reports addressing violence in the family focus on “honour killings” as an area of concern discussed in the context of critiques of Turkish family structures and power relations. There are frequent references in these documents that raise concerns about Turkey’s candidacy in regard to whether or not it has adopted “European” values. While not to the same extent as Turkey, Romania also experiences a higher degree of scrutiny in the earlier reports. Like Turkey, there are multiple allusions in the Romanian reports referencing violence against women in the context of being “brought in line with European standards.” While scrutiny is not unwarranted in these countries, many of the criticisms could easily be applied to most of the candidates during the comparable time periods. Many of the unscrutinized Central European countries (such as Hungary or Latvia) have still yet to adequately address gender-based violence.

The differential application of scrutiny and the discursive construction of Europeanness within monitoring reports is a more subtle, but nonetheless telling example of the way in which violence against women has been used as a means of constructing or exacerbating the othering of European “outsiders.” It is a trend that continues to some extent in the later reports on the Western Balkans, whether in specific reference to the need for adopting ‘European’ values on gender equality generally or domestic violence specifically, or

singling out countries as being “traditionally male dominated.” The construction of other, in this case, consists of countries seen outside of an imagined “European” culture in regard to presumed gender egalitarian and anti-violence norms. At the same time, little is said about how particular groups within these countries might be differently situated in experiencing violence against women. The one exception to this is in the case of Roma women, which appear sporadically throughout reports, where their presence in the population is more notable. Few connections are made to structural circumstances within these countries that may, in fact, contribute to the particularized experiences of violence outside of the presumed cultural differences.

Conclusion

In this article, we have aimed to distinguish between inclusionary and exclusionary forms of dealing with difference in the EU discourse on violence against women. The findings show a tendency toward more exclusionary discourse, with significant differences between the institutional sites and across time. In *Parliament texts*, a shift has taken place from securing rights for migrant women to a definition which links particular forms of violence to specific cultures or ethnic groups. *Council texts* include very general statements on violence and difference. There is a tendency in the documents to emphasize diagnosis and exclude potential prognoses, thereby negatively culturalizing the framings of anti-violence policies. In the *general Commission texts*, we find two types of exclusionary discourses. In the first, the Commission emphasizes a narrow, cultural conceptualization of violence related to “traditional harmful practices” within EU member states. The second, provides a more inclusive and feminist framing of violence against women, but articulates it only in external policies aimed at countries outside EU membership. The result is a conceptualization of violence as an “outsider” problem pertaining to foreign cultures. These trends are mirrored in the Commission’s *Daphne project*, and its shift in programmatic focus and in the *accession process*, where candidate countries are increasingly scrutinized with reference to their lack of “European values.”

These findings are troubling on several levels. First, culturalized framings of EU anti-violence policies tend to obviate gender-based violence as rooted in structural gender inequality, marginalize vulnerable groups, typically ethnic minority and migrant women and girls, and undermine the seriousness of other, normalized forms of violence. Second, by focusing almost exclusively on diagnosis, culturalized framings often fail to address potential solutions to problems which are real and serious. In other words, they do not target relevant groups at risk; instead, they contribute to stigmatizing and alienating them through processes of othering and identity constructions which highlight minority and majority differences in exclusionary ways. Finally, while most of

the EU policies have been in the form of soft law legislation, there has been growing support for more binding legislation. Given the current trends, this may result in the codification of exclusionary policies.

Notes

† Authorship is alphabetical and does not denote an ordered authorship.

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