A Theoretical Approach to the Concept of Femi(ni)cide

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Abstract: *The concept of 'femicide' was first formulated in 1992 by Jill Radford and Diana Russell; nonetheless, it has not been widely discussed in feminist philosophical arenas. This situation has led to a narrow understanding and/or misunderstanding of the concept. For example, it is often applied to a phenomenon mistakenly assumed to occur "only in third world countries" or said to essentialize women. Through a new-materialist methodology, this paper contributes to the discussion on this concept from a feminist theoretical perspective.*

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Abstract: *The concept of "femicide" was first formulated in 1992 by Jill Radford and Diana Russell; nonetheless, it has not been widely discussed in feminist philosophical arenas. This situation has led to a narrow understanding and/or misunderstanding of the concept. For example, it is often applied to a phenomenon mistakenly assumed to occur "only in third world countries" or said to essentialize women. Through a new-materialist methodology, this paper contributes to the discussion on this concept from a feminist theoretical perspective.*

Keywords: *Femicide; feminicide; feminism; gender-based violence; new-materialism; patriarchy; sex; woman.*

Introduction

This essay is based on the assumption that the concept "femi(ni)cide" has not been widely discussed in feminist philosophical arenas, and that this situation has led to a narrow understanding and/or misunderstanding of the concept.[1] Among other assertions I have encountered, a prominent one is that the concept essentializes women, which reduces usefulness or even creates oppression[2]. In the pages that follow, I will address femi(ni)cide from a philosophical standpoint, making use of a feminist new materialist (from here on FNM) methodology in order to demonstrate the material and political effects of concepts in contemporary social problems. I use as my "contentious referent" the following statement: *the concept of femi(ni)cide essentializes—in a pejorative sense—women*[3]. The philosophical analysis of

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[1] I will use the term 'femi(ni)cide' (abbr. of: feminicide/femicide) unless otherwise specified, in order to avoid taking sides in the terminological argument that I will address later.

[2] Other assertions that should be critically examined are: femi(ni)cide is a phenomenon assumed to occur "only in third world countries"; any killing of women is a femi(ni)cide; or, femi(ni)cide only applies to killings within marriage or within relationships.

[3] 'Contentious referent': "The statement/s against which, consciously or not, one writes, and the identification of which is fruitful in the research process" ["*el/los planteamiento/s contra el/los que consciente o inconscientemente escribimos y cuya identificación es muy fructífera en un proceso de investigación/escritura*"]. Mari Luz Esteban, *Crítica del pensamiento amoroso* (Barcelona: Edicions Bellaterra, 2011), 16. Here I make reference to a concrete experience: a colleague (who defined herself as "transfeminist") noted that the term 'femi(ni)cide' did not speak to her because it did not include non-normative subjects. This person argued, "We also have our dead", referring to non-normative subjects such as transgendered people who are also the targets of gender-based murders.

the concept of femi(ni)cide that I am offering here questions this problematic affirmation and tries to do justice to the complexity of the phenomenon that this concept sheds light on.

FNM is a methodology that offers the possibility of addressing the materiality that was cut off by the linguisticism of post-structuralism; it stresses "the complex materiality of bodies immersed in social relations of power."[4] It works with cartographies: "a theoretically-based and politically-informed reading of the present,"[5] which in this paper means a situated mapping that gives an account of the political-theoretical conditions of this concept in different geographical locations and temporalities. FNM avoids "Master narratives," phallic Mothers and Oedipal structures.[6] This means that this methodology is not interested in assuming linearity (i.e., a temporal progression that implies the negation or overcoming of the preceding waves or generations of feminist inquiry in a dialectical way). Instead, FNM is an approach which works in a generative way. One of the aims in this work is to weave together several generations of theorists and their arguments in a way that is neither dialectical nor foundationalist. In other words, the main purpose is to bridge arguments instead of negating previous theorizations, and to enable generative conversations. Another characteristic of this methodology is that it proposes a new way of understanding "universalism," which has been considered to make overgeneralizations regarding diversity, a point I will come to later. FNM makes it possible to address problems and phenomena in terms of multiplicity and complexity.[7] Last but not least, it uses the Foucauldian notion of power both as a restrictive and disciplinary force (*potestas*), and as an affirmative, productive and empowering force (*potentia*).[8]

I. Origins of the term femi(ni)cide

Diana Russell states that she first heard the word "femicide" in 1974 from an English friend, who told her that the American writer Carol Orlock was planning to title an anthology with that word. But the anthology has never been published, and Russell did not know in what sense the word would have been used. Nevertheless, Russell introduced the word "femicide" during a speech at the International Tribunal on Crimes against Women, conducted in Brussels in 1976. Although she did not define the word, it was largely

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Throughout this essay, I include Spanish-language quotations in their original form in footnotes and introduce English translations in the main body of the text. Unless otherwise stated, all translations into English are my own in collaboration with Matthew Gleeson.

[4] Rick Dolphijn and Iris van der Tuin, *New Materialism: Interviews and Cartographies* (Ann Arbor: Open Humanities Press, 2012), 21.

[5] Rosi Braidotti, *Metamorphoses: Towards a Materialist Theory of Becoming* (Cambridge/Malden: Polity Press, 2002), 2.

[6] Master narratives are common in the second wave of feminism, in which the dialectic of the Hegelian Master-slave is reproduced; these narratives mean the confirmation by negation or subsumption of the philosophical Masters. Phallic Mothers refers to this same dialecticism, which seeks to embrace the competition of theories in order to have the right or power (*phallus*) of knowledge, or, in the Master-slave structure, to become the Master. Oedipal structures are also a dialecticism and are inspired by the Oedipal complex, which is impelled by competition and the sense of rivalry. Iris van der Tuin, "'Jumping generations': On Second- and Third-wave Feminist Epistemology," *Australian Feminist Studies* 24, no. 59 (2009): 20–22.

[7] For a more extended introduction to this methodology, see Aleida Luján, "A theoretical approach to the concept of femicide/feminicide" (MA thesis, Utrecht University, 2015).

[8] Rosi Braidotti, *Nomadic Subjects: Embodiment and Sexual Difference in Contemporary Feminist Theory* (New York: Columbia University Press, 2011), 4.

understood to refer to a hate killing perpetrated by men against females[9]. It was only in 1992 that she, together with Jill Radford, defined "femicide" as a form of sexual violence.[10]

Russell worked for many years researching rape, especially in the USA and South Africa; but she also worked on other issues related to violence against women. It was her experience in this field that caused her to become interested in "femicide" when she first heard the term. Meanwhile Jill Radford, based in England, worked for many years on male violence. In 1980 she joined the Winchester Women's Liberation Group, which was engaged in fighting against male violence, especially in the English context. One year later, one of her friends and a member of the group, Mary Bristow, was killed by her ex-partner; his "motive" was Mary's refusal to return to a relationship with him. This situation convinced Radford that the killing of her friend and those of other women in similar situations were not common homicides but the result of a system of male violence; therefore, she moved to London to work with "Women against Violence against Women" (WAVAW). There she gained a scholarship from the Greater London Council to research the problem of male violence in London. Near the end of this research, Radford met Russell and they started working together on the first anthology on femicide: *Femicide: The Politics of Killing Women*, published in 1992.

Radford and Russell focused their researches on "femicide" in England and the USA. They mostly focused on femicide within marriage or within relationships (intimate femi(ni)cide): for example, the case of Jane Asher, who was killed by her husband in Winchester in the 1980s; or the several cases that Russell compiled in her research between 1977 and 1982 on rape within marriage in San Francisco. But there were other cases at that time that shed light on other kinds of femi(ni)cides besides the intimate, both in the USA and UK, such as those committed by Jerry Brudos or "The Shoe Fetish Slayer", who killed four women between 1968 and 1969 in Oregon, wearing their shoes and masturbating after killing them; Edmund Kemper or the "co-ed killer", a necrophiliac who, between 1972 and 1973 in Santa Cruz, California, raped and killed six young women, as well as his own mother and a friend of hers; Ted Bundy, who, between 1974 and 1978, killed at least 30 women in different places all over the USA; Peter Sutcliffe or "the Ripper of Yorkshire", England, who between 1975 and 1981 killed 13 women, most of whom were prostitutes; and Robert Black, who between 1981 and 1986, in the UK, raped and killed at least four girls between 5 and 11 years old.[11]

Though "femicide" emerged in an English-language context, the term spread quickly in the Spanish language. The Mexican feminist Marcela Lagarde introduced this concept to academia—and into the Latin American panorama—in 1994, translating it into Spanish as "*feminicidio*" ("feminicide"), highlighting the fact that the word femicide in Spanish would merely imply the feminine equivalent of homicide and could refer to any killing of women, thus depoliticizing the original concept. The concept of femi(ni)cide, indeed, is intended to apply to certain killings of women, namely gender-based killings; it is not meant to simply differentiate between the homicides of males and females. The political relevance of femi(ni)cide is that it highlights a false universalism in the common use of the concept of homicide. It unveils a system in which the universal is regarded as neutral and totalizing but

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[9] Diana Russell, "The Origin & Importance of the Term Feminicide," author website, published December 1, 2011, accessed May 4, 2018, http://www.dianarussell.com/origin_of_femicide.html.

[10] For a broader tracking of the development of the concept in English, see Elena Laporta, "Evolución del concepto: Un anglicismo que se desarrolló en América Latina," in *Feminicidio: De la categoría político-jurídica a la justicia universal*, ed. Graciela Atencio (Madrid: CATARATA, 2015).

[11] Graciela Atencio and Laura Rebolledo, "La era del terror sexual," in *Feminicidio,* ed. Atencio.

conceals a hierarchical structure in which the subjects "women" are placed on the subordinated side of the power structure.

In 2000 Ana Carcedo and Montserrat Sagot in Costa Rica introduced the subject into the theoretical sphere in Central America, adopting the literal translation of the English term: *femicidio*. The choice of terms in translating "femicide" has generated a heated debate amongst theorists and activists in Latin America, of which there is no agreed upon consensus. In some cases, it has implied a breakdown of networks. For instance, Russell recounts that in 2008 she attended a conference in El Salvador on femicide, and later came to realize that the users of the term "feminicidio" had not been invited to attend[12]. This example illustrates the dialecticism that FNM aims to avoid; dialecticism generates competition and leaves out other perspectives, instead of creating bridges and generating conversations (which is nothing but the methodological aim of my paper). But the theoretical production on "*feminicidio*" has activated the world-wide dissemination of the theory. Italy uses the word "feminicide", France "féminicide"; Rosa-Linda Fregoso and Cynthia Bejarano (in their book *Terrorizing Women: Feminicide in the Americas*) introduced "feminicide" into English, thus echoing the extensive theoretical production and debates taking place amongst Latin American theorists and activists. In Julia Monárrez's words:

> To define the term feminicide one must start from its etymological roots. The two Latin roots of the word at issue are fémina–woman—and—*caedo, caesum*–to kill. The Latin word for woman is not femena but fémina, with an "i". When combining two words to make another, one respects the roots of the two and does not just stick them together, but rather vowels can be added to join them according to the particular case of the words. That is why we say biology and not bioslogy, and homicide rather than homocide. The "i" is the letter used to join the two words that comes from the third declination of the Latin *feminis*, which means "of woman"; therefore, the death of woman would be *feminiscidum*, and from there we pass to the word feminicide, which is perfectly correct in Spanish. Now, the word feminine is an adjective–which also comes from the word fémina–the word was *femininus* but it passed into Spanish as "femenino" because this is easier for us to pronounce (…) Feminicide would mean, then, the death of a feminine being, or a being with characteristics of a woman, whether or not this being is a woman. The word "femicidio" does not exist[13]

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[12] Russell, "The Origin & Importance of the Term Feminicide.".

[13]"Para definir el término feminicidio se parte de sus raíces etimológicas. Las dos raíces latinas de la palabra que nos ocupan son fémina –mujer– y –*caedo, caesum*–matar. La palabra en latín para mujer no es femena, sino fémina, con "i". Al unirse dos palabras para formar otra, se respetan las raíces de las dos y no sólo se pegan, sino que se pueden poner vocales de unión según el caso en el que estén las palabras. Por eso, se dice biología y no bioslogía y también homicidioy no homocidio. La "i" es la letra de la unión de las dos palabras que viene de la tercera declinación del latín *feminis*, que quiere decir "de la mujer"; entonces la muerte de la mujer sería *feminiscidum*, y de allí pasamos a la palabra feminicidio, que esperfectamente correcta para el español. Ahora bien, la palabra femenino, es un adjetivo – también proviene de la palabra fémina–se decía *femininus*, pero pasó al español como femenino porque nos resulta así más fácil de pronunciar (…) Feminicidio significaría entonces la muerte del ser femenino o con características de mujer, sea o no una mujer. La palabra femicidio no existe.". Julia Monárrez, *Trama de una injusticia: Feminicidio sexual sistémico en Ciudad Juárez* (Mexico: El Colegio de la Frontera Norte–Miguel Ángel Porrúa, 2009), 34–35. Emphasis mine.

According to Julia Monárrez, "feminicidio" seems to be the term that works most adequately for Spanish. Highlighting the *femininus* element of it is crucial to understanding why although all femi(ni)cides are killings of women, not all killings of women are femi(ni)cides. As a matter of fact, *not all killings of women are motivated by the construction of gender relationships*. This is *the feminist political stance* behind this concept, which gives it its power and its reason to be. The "feminine", as I will pick up later, seems to be the nodal point of the discussion on this subject. Lagarde further notices that "It's not only a matter of describing homicidal crimes committed against girls and women, but the *social construction* of these hate crimes, the culmination of gender violence against women."[14]

Following these inquiries, one can affirm that "feminicide" in English also embraces these discussions and reflects the *femininus* component that this concept brings to the fore. But some theorists prefer to make both terms—femicide/feminicide—interchangeable, advocating for the joining of forces against the same target instead of the fracturing of possible networks. Even though I prefer the use of "feminicide" because it helps to highlight the *femininus* which is at stake in this concept, throughout this paper I strategically use both terms in order to avoid conceptual hierarchies or to give the appearance of supporting one side of the discussion in a power war, which could (again) lead to the blocking of conversations. Regardless of whether individual theorists choose to use one term or the other, they agree on at least the following: that the causes of femi(ni)cide come from a sex-gender system, which imposes gender roles and establishes unjust distribution of power between subjects according to such gender roles. They further agree that androcentrism generally prevails in the institutions that investigate and prosecute these crimes (because of the lack of a feminist perspective to address them, as well from the level of criminologists as that of judges), and that there is a lack of legislation and public policies regarding such crimes. Eventually, they notice a resistance on the part of different government bodies to take a stance regarding femi(ni)cide. [15].

II. The concept of femi(ni)cide

In 1992 Radford and Russell defined "femicide" as "the misogynist killing of women by men,"[16] and, years later, Russell redefined it as "the killing of females by males because they are females."[17] These examples illustrate the necessity of analyzing the components of femi(ni)cide. For instance, the change of terms from "women" and "men" to "females" and "males" may generate a different understanding of what femi(ni)cide refers to. I will now offer a philosophical characterization of the concept of femi(ni)cide. Although I am aware that the concept of femi(ni)cide was not developed in philosophical terms, I consider such an analysis useful for any research on femi(ni)cide (for instance, pertaining to the legal codification of femi(ni)cide or to the creation of femi(ni)cide crime databases).

To characterize the concept of femi(ni)cide I will follow Gilles Deleuze and Félix Guattari's description of concepts in *What Is Philosophy?* First, there is no concept constituted by just one element; rather, concepts are composed of at least two other concepts. This feature makes a concept a "whole" in the sense that it totalizes its

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[14] "no se trata sólo de la descripción de crímenes que cometen homicidas contra niñas y mujeres, sino de la *construcción social* de estos crímenes de odio, culminación de la violencia de género contra las mujeres". Marcela Lagarde, "Introducción," in *Feminicidio: una perspectiva global*, Diana Russell and Roberta Harmes, eds., (Mexico: CEIICH-UNAM, 2006), 12. Emphasis mine.

[15] Laporta, "Evolución del concepto," in Atencio, *Feminicidio*, 71-73.

[16] Jill Radford and Diana Russell, "Introduction," in *Feminicide: the politics of woman killing*, Radford and Russell, eds. (Buckingham: Open University Press, 1992), 3.

[17] Russell, "The Origin & Importance of the Term Feminicide," 2011.

components, but at the same time it remains a fragmentary whole[18]. In the case of femi(ni)cide, some of its constitutive concepts are patriarchy, sex, gender, sex-gender system, woman, violence, and gender-based violence. Another property of concepts is that their components are inseparable within them; any small change would provoke a new concept. What characterizes the components of a concept is their endo-consistency (internal consistency) and exo-consistency (external consistency). The components of the concept femi(ni)cide have emerged as a necessary *agencement machinique*; if one removes one of these elements, femi(ni)cide is transformed. For instance, if one were to remove the concept of woman, this would change the political relevance of the concept of femi(ni)cide and transform it completely into something yet unknown. A concept's state of being linked to other concepts, however, does not mean that these other concepts are absorbed completely into it; it means rather that there are "zones of neighborhood."[19] Thus, concepts not only bridge to other concepts, but are also:

> connected to problems without which they would have no meaning, and which can themselves only be isolated or understood as their solution emerges […] A concept requires not only a problem through which it recasts or replaces earlier concepts but a junction of problems where it combines with other coexisting concepts.[20]

Problems are situations that need to be overcome, since they constitute unwelcome or harmful difficulties. But even though concepts are always related to problems, that does not mean that they are the solutions to them. The concept of femi(ni)cide is linked to the problem of the killing of certain subjects identified as women, in a context of a hierarchical power (*potestas*) relationship between sexes; to affirm that this concept is the solution to the problem of such killings is naive.

The second main feature of a concept is that it is not reducible to discourse or representation. Therefore, the concept of femi(ni)cide is not a definition *per se*. However, by pointing out a certain problem it helps us to understand and analyze the phenomenon it points to, thus enabling its transformation. Concepts are not strictly corporeal, but rather are "the virtualities of matter, the ways in which matter can come to be otherwise, the promise of a future different from the present."[21] *Virtuality* here means a possible world that has not yet come to be, even though it exists. The concept of femi(ni)cide is performed, for instance, when it is legally codified as a crime and insofar as it has a direct effect in the lives of subjects identified as women. Like events, concepts also have a history. This history, however, is not understood as being linear, but rather it zigzags: it cannot be a linear historicity since the concept is related to other concepts, and the history of the other concepts does not necessarily have to be the same as that of the concept at issue. The historicity of the concept femi(ni)cide is neither linear nor progressive; it depends very much on the temporality and historicity of its constitutive concepts, as I will try to show later. With this, I hope that I have outlined what I am referring to when I say "the concept of femi(ni)cide." This concept not only sheds light on an ultimate outcome of a certain system of domination, but in doing so enables the production of alternatives to transform the present. In the next sections I will analyze some constitutive concepts of femi(ni)cide:

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[18] Gilles Deleuze and Félix Guattari, *What Is Philosophy?* (New York: Columbia University Press, 1994), 21.

[19] Ibid., 20.

[20] Ibid., 16–18.

[21] Elizabeth Grosz, *Becoming Undone: Darwinian Reflections of Life, Politics, and Art* (Durham: Duke University, 2011)*,* 78.

"patriarchy", "women", and "gender violence". As stated before, a concept is not reducible to discourse or representation, therefore my aim here is not to give a definition of femi(ni)cide, but to position the complexity that this concept gives rise to and thus to show the dynamism rather than fixity that it entails.

A. *Patriarchy/Sex-gender system*

The term "patriarchy" was used throughout the history of western societies before feminists reworked it. I borrow from Christine Delphy the following observation: the feminist concept of patriarchy must be distinguished from the concept of patriarchy which is most frequently used in political theory, in which patriarchy is seen as a period in political history prior to the social contract. According to Delphy, the radical feminists of the 1960s were the ones who transformed patriarchy into a feminist political concept which became a key-element of the feminist toolbox[22]. In its traditional and limited definition, the term *patriarchy* means literally "the government of the fathers."[23] It describes a system in which social life is organized by the authority of the heads of the families—the fathers, or the patriarchs—and the power of these family heads derives from the "natural" subordination of the other members of the family; Carol Pateman refers to this as traditional patriarchal thought. In classical political theory, this period is superseded by the social contract, which is an imaginary tool to explain and justify the creation of the state, the overthrowing of the paternal right and the establishment of social rights. According to this, social contract and patriarchy repel each other, therefore the social contract is called the anti-patriarchy or post-patriarchal period.[24]

Despite the widespread use of the concept "patriarchy", there is no consensus within feminism on the understanding of it. It has its own history and is related to other concepts such as androcentrism, phallocentrism, sex-gender system, masculine domination, sexism, and misogyny. In 1963, Betty Friedan published *The Feminine Mystique*, in which she stated that although certain social rights were achieved by American women in the fifties and sixties, such as the right to education and to vote, those women led unhappy lives. A mystique surrounding the sphere of "American femininity" was preventing this problem from being examined. Patriarchy is the concept used by some feminists[25] to help illuminate what Friedan called "the problem that has no name"[26]—that is, a system that oppresses women and that is neither an individual nor a natural phenomenon but rather a political one[27]. The discovery and creation of a name revealing the source of this discontent has helped with the development of strategies working against this discontent. Naming acts (or conceptual acts) are both a political stand and a necessity in order to tackle, discuss, and find possible options to solve certain kind of problems.

Acknowledging this, Pateman analyzes the classical statements made in political theory about the social contract. She holds that the patriarchal right did not die away but mutated from the power of the father to the right of man *per se*. Pateman argues that the social

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[22] Christine Delphy, *Por un feminismo materialista: El enemigo principal y otros textos* (Barcelona: La Sal, 1985), 114.

[23] Carole Pateman, *El contrato sexual* (Barcelona: Editorial Antrophos-UAM-I, 1995), 32.

[24] Pateman, *El contrato sexual*, 10.

[25] In 1970 Kate Millett published *Sexual Politics*. This book is the first theorization of patriarchy in feminist terms, as connected to the power relation between sexes and male domination. See María Pinelo and María Elena Simón Rodríguez, *La igualdad es un derecho: Libros de texto para la asignatura: igualdad de género, en educación media superior* (Oaxaca: IMO, 2008), 84.

[26] Betty Friedan, *The Feminine Mystique* (New York: Dell Publishing Co, 1964), 15.

[27] Delphy, *Por un feminismo*, 115.

contract in fact has two sides: the public one that explains the social sphere of societal rights and liberties, and the private sphere in which the marriage contract takes place. The latter is usually left out of political discussions but is in fact the space where the modern sexual contract is negotiated, within a fraternity of men. The paternal or patriarchal right stems from an original contract, the conjugal contract, which in fact gives a man the status and authority of the father. This contract was not abandoned by the contractualists (such as Locke and Rousseau); they maintained it as part of the "post-patriarchal" era and established the modern patriarchal right, not that of a father over other members of the family, but that of men over women. In the new modern patriarchal era, it is a fraternity of men who symbolically sign the social contract, and women are the object of negotiation in the new sexual contract.[28]

The concept of patriarchy is retained by some feminists because, as Pateman states, it has changed but has not disappeared. But some feminists, such as Gayle Rubin, restrict their understanding of patriarchy to its traditional definition. Rubin gives the name "sex-gender system" to "the set of arrangements by which a society transforms biological sexuality into products of human activity, and in which these transformed sexual needs are satisfied […] [This] indicates that oppression is not inevitable […] but is the product of the specific social relations which organize it."[29] In any case, Rubin is recognizing a social and cultural structure that organizes the sexes hierarchically. I agree with Celia Amorós suggestion that in an egalitarian system, gender labels should not be produced; therefore, she argues that the concepts of "patriarchy" and "sex-gender system" do not exclude each other and that, in fact, both can be used as synonymous concepts.[30]

A broad definition of patriarchy departs from its traditional understanding and is developed as the manifestation and institutionalization of male domination over women and children within the family, and the expansion of such domination over women into society in general.[31] Amorós would seem to agree with Pateman that the current political structure is not organized by kinship relations, but neither does she deny that the patriarchal system persists in various ways. Amorós suggests that the modern patriarchal imagination is a system of representations structured by at least three axioms: (1) it is natural for a hierarchy to be established between men and women; (2) in order to maintain this hierarchy—a system of privilege—men have to relate to one another in a certain way; (3) women are the transactional object or the symbolic mediators that men use to make pacts between each other[32]. Amorós argues that it is this system which universalizes and essentializes women and men—that is, it assigns fixed characteristics to each and assumes general truths—and that any system of domination is an effective creator of essences.[33]

Broadly speaking, patriarchy is an ideological system of representation of gender, of the myths and images that construct femininity and masculinity and justify men's domination and women's subjection.[34] But this concept carries many nuances, because even when this system is present in each society—in its political organization, economy, religion, and

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[28] Pateman, *El contrato sexual*, 10–12.
[29] Gayle Rubin, "The Traffic in Women: Notes on the 'Political Economy' of Sex," in *Toward an Anthropology of Women*, ed. Rayna Reiter (New York/London: Monthly Review Press, 1975), 159, 168.
[30] Nuria Varela, *Feminismo para principiantes* (Barcelona: Ediciones B, 2014), 179.
[31] Gerda Lerner, *La creación del patriarcado* (Barcelona: Editorial Crítica, 1990), 340–341.
[32] Celia Amorós, "El imaginario de la globalización ¿activa el imaginario libertino?" (lecture, Benito Juárez Autonomous University, Oaxaca, Mexico, April 6, 2006).
[33] Here 'universal' is used to refer to over-general claims that disregard diversity and difference, and 'essence' refers to determined and fixed entities. Braidotti, *Nomadic Subjects,* 85, 122.
[34] Braidotti, *Nomadic Subjects*, 92.

culture—it varies from context to context. For example, non-western feminists in Latin America have developed their own theorization of patriarchy in order to analyze their own conditions and thus elaborate their own strategies. Julieta Paredes, an Aymara feminist, elaborated the concept of "the patriarchal juncture" to explain the specific subjection that indigenous women in Bolivia experience. As this concept is described by the community feminist Lorena Cabnal:

> There is not only a western patriarchy that exists in Abya Yala (America); we also assert the age-old existence of native ancestral patriarchy, which has been conceived and formed with the justification of cosmogonic principles and values mixed with ethnic fundamentalisms and essentialisms. This patriarchy has its own form of expression, manifestation, and temporality distinct from western patriarchy. It was, in its turn, a prior condition that already existed at the time of western patriarchy's penetration during colonization, and the two patriarchies rebuilt themselves together, fusing and renewing themselves; this is what we, from the point of view of communitarian feminism in Guatemala, call "patriarchal refunctionalization", while our Aymara sisters in Bolivia–in this case we heard it directly from Julieta Paredes–were already calling it the patriarchal juncture [*entronque patriarcal*].[35]

"The patriarchal juncture" is a useful concept since it helps to shed light on the encounter between at least two kinds of patriarchy in certain contexts. Ancestral patriarchy and Western patriarchy characterize the experience of most indigenous women in America, but this can also be said for any colonized country. Feminists in the context of colonialism have to analyze the features peculiar to the ancestral patriarchy as well as its particular configuration with a specific Western patriarchy, which in most Latin American countries was a Christian colonialist patriarchy.[36]

In order to analyze and understand how femi(ni)cides emerge, as Monárrez says, "It is essential to theoretically understand how the politics of sexuality works in the patriarchal system. This politics is located unequivocally in the prevailing conceptions of masculinity and femininity"[37]. In other words, the key point is to grasp how the sex-gender or patriarchal system works in a specific context. It requires to be aware of the specific configurations of patriarchy in specific regions and, at the same time, to identify its global trends which, in some cases, make femi(ni)cide traverse national boundaries.

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[35] "No sólo existe un patriarcado occidental en Abya Yala (América), sino también afirmamos la existencia milenaria del patriarcado ancestral originario, el cual ha sido gestado y construido justificándose en principios y valores cosmogónicos que se mezclan con fundamentalismos étnicos y esencialismos. Este patriarcado tiene su propia forma de expresión, manifestación y temporalidad diferenciada del patriarcado occidental. A su vez fue una condición previa que existía en el momento de la penetración del patriarcado occidental durante la colonización, con lo cual se refuncionalizaron, fundiéndose y renovándose, y esto es a lo que desde el feminismo comunitario en Guatemala nombrábamos como refuncionalización patriarcal, mientras que nuestras hermanas aymaras en Bolivia y en su caso específico lo oímos directamente de Julieta Paredes, que lo nombraban ya para entonces como entronque patriarcal.". Francesca Gargallo, *Feminismos desde Abya Yala: Ideas y proposiciones de las mujeres de los 607 pueblos en nuestra América* (Mexico City: Editorial Corte y Confección, 2014), 22.
[36] Gargallo, *Feminismos desde Abya Yala*, 14.
[37] "es imprescindible comprender teóricamente cómo funciona la política de la sexualidad en el sistema patriarcal. Ésta se localiza de manera contundente en las concepciones prevalecientes de masculinidad y feminidad.". Monárrez, *Trama de una injusticia*, 41.

The concept of femi(ni)cide inhabits all these complexities with respect to the concept patriarchy. The concept femi(ni)cide refers to an event (the murder of women) structured by a patriarchal or a sex-gender system. In a system in which women are the transactional object, it is logical for them to become disposable and killable, as in Carcedo and Sagot's definition of femi(ni)cide: "The most extreme form of sexist terrorism motivated mainly by a sense of possession and control over women."[38] While the concept of patriarchy does not offer a solution to the problem of femi(ni)cide, it is a key term that invokes the plane in which this concept emerges. At the same time, the feminist concept of patriarchy illuminates the complexity of the phenomenon according to the specific context one is referring to.

B. *Woman/Sex/Gender*

Other constitutive concepts of femi(ni)cide are woman, sex, and gender; as with the previous concepts, there is no consensus about how to understand them. The varying interpretations of Simone de Beauvoir's famous statement "One is not born but rather becomes a woman"[39] have generated a heated debate amongst feminist theorists that continues today without apparent resolution. It is said, in fact, that Beauvoir is the founder of the sex-gender distinction, even though she did not use the term "gender."[40] In any case, some of the questions that this distinction gives rise to are: Is a "woman" only a product of human activity? If so, what is the role of the body in the construction of the subject "woman"? And what implications are entailed by the affirmation that "woman" is just a social construction? Beauvoir's statement connects to other distinctions such as nature/culture and determinism/social construction; the main debates on the interpretation of her statement shift between these dualities and/or oppositions.[41] The concept of woman is embedded in all of these questions and encompasses the debates about the identity and subjectivity of "woman."

Within this debate, Rubin plays an important role because, following the distinction opened up by Beauvoir, she introduces the term "gender". She differentiates the physiological and biological characteristics of "sex" from "gender", with the latter referring to the arbitrarily designated social determination and hierarchical organization of sexes. Rubin gives the name "the sex-gender system" to the means "by which a society transforms biological sexuality into products of human activity."[42] Here the concept of patriarchy helps to grasp what Rubin is trying to shed light on with the concept of gender. She highlights that every culture or society has a sex-gender system that is culturally organized and therefore modifiable. In relation to femi(ni)cide, the use of the distinction between sex and gender is clear, for example, in Diana Russell's changing definitions of this concept. In 1990 (with Caputi) and 1992 (with Radford), she uses the terms "women" and "men", and in her final definition in 2001 she changes to the terms "female" and "male"[43]. The former

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[38] "la forma más extrema de terrorismo sexista, motivado mayoritariamente, por un sentido de posesión y control sobre las mujeres.". Ana Carcedo and Montserrat Sagot, *Femicidio en Costa Rica 1990–1999* (San José: INAMU, 2000), 12.

[39] Moira Gatens, "Beauvoir and Biology: A Second Look," in *The Cambridge Companion to Simone de Beauvoir*, ed. Claudia Card (Cambridge: Cambridge University Press, 2003), 276.

[40] Gatens, "Beauvoir and Biology," 267.

[41] Donna Haraway, *Simians, Cyborgs and Women: The Reinvention of Nature* (London: Free Associations Books, 1991), 133.

[42] Rubin, "*The Traffic in Women*," 159.

[43] Definition of 'femicide' in 1990: "the murder of women by men motivated by hatred, contempt, pleasure, or a sense of ownership of women". In 1992: "the misogynous killing of women by men".

concepts refer to the sphere of gender, while the latter emphasize "biological" conditions. Graciela Atencio condemns the fact that the Dictionary of the Royal Spanish Academy (DRAE) did not define "feminicide" as the killing of a woman because of her gender, but rather because of her sex[44]. Atencio argues that "In patriarchal societies, women are murdered for reasons of gender."[45]. According to this understanding, other subjects who fit into the "feminine" gender but questionably fit into narrow "biological" determinations of female sex, such as transsexuals, would be included in the concept femi(ni)cide. The authors of the 2014 UN protocol also define femi(ni)cide in reference to the gender component of those killings.

But this distinction between sex and gender is not always accepted, as in the case of Judith Butler, whose critique of this dualism has an impact on the concept of femi(ni)cide. Butler, inspired by her reading of Rubin, develops a new angle through which to discuss the sex-gender distinction. She questions the distinction in which sex is considered to be pure nature or biology, and gender the social construction based on sex difference. "What is 'sex' anyway?" she asks. "Is it natural, anatomical, chromosomal, or hormonal and how is a feminist critic to assess the scientific discourses which purport to establish such 'facts' for us?"[46] Butler assumes that even when a tangible body exists, one accesses it through language; thus, it is mediated by the discourse of power and therefore also culturally constructed. Sex is not free of this situation; sex is to be understood depending on the field of power in which it is articulated[47]. But if both sex and gender are socially constructed, what is the need to differentiate them?

> [S]ex will be shown to be a performatively enacted signification (and hence not "to be"), one that, released from its naturalized interiority and surface, can occasion the parodic proliferation and subversive play of gendered meanings.[48]

This notion of sex, though not completely disembodied, situates the body under the power of language and discourse. When Butler states that "being a woman is a cultural interpretation of being a female," and that such an "interpretation is in no way necessitated by being female, [thus] it appears that the female body is the arbitrary locus of the gender 'woman,'"[49] these statements can sound problematic in relation to the phenomenon to which the concept of femi(ni)cide refers to. It could be argued in disagreement, for instance, that the fact that female bodies gendered as "women" were killed in Ciudad Juárez points out that the arbitrary relation between the body and gender is not completely arbitrary; there is evidence of cruelty against these female-sexed bodies, and only bodies of this sex were systematically killed in that way and in that region[50]. In this case, it seems clear that the

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And 2001: "the killing of females by males because they are females." Russell and Harmes, eds., *Femicide in Global Perspective* (New York/London: Teachers College Press, 2001), 3, 14.

[44] According to the DRAE, feminicide is "the killing of a woman because of her sex." Graciela Atencio, "Lo que no se nombra no existe," in Atencio, *Feminicidio*, 19–23.

[45] "en las sociedades patriarcales las mujeres son asesinadas por razones de género." Atencio, "Lo que no se nombra," 22.

[46] Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York/London: Routledge, 1990), 10.

[47] Ibid*.,* 25

[48] Ibid., 44.

[49] Ibid., 35.

[50] A series of murders of girls and women that have been occurring in Ciudad Juárez in Mexico since 1993, the "feminicides of Ciudad Juárez". Because of the particularities of these killings—they include kidnapping, torture, mutilation, rape, murder, and the dumping of the dead bodies in inhospitable

sexed bodies of the victims and the construction around those female bodies played a significant role for the perpetrators of such crimes. But Butler's argument is not dispensable at all: it helps to make the concept of woman more complex, and in that sense the concept of femi(ni)cide too. How can "gender", in Butler's sense, ultimately help to determine which subjects fit under the concept of femi(ni)cide?

While she does not completely disagree with Butler, Anne Fausto-Sterling, on the other hand, does not abandon the distinction of the term "sex". She holds that sexes exist beyond the social construction around them and that one can give account of them, but she also recognizes that it is a fact that sex is constructed under the paradigm of a binary gender model. Nonetheless, she shows that the materiality of the body offers the possibility of more than two sexes. Without appealing to surgical transformations, she recognizes at least five sexes, none of which are abnormal or extremely rare: "female", "male", "herms" (one testis and one ovary), "merms" (possess testes but no ovaries, and some aspects of female genitalia), and "ferms" (possess ovaries but no testes, and aspects of male genitalia)[51]. Fausto-Sterling agrees with the affirmation that gender is a social construction and that one can see how it works by analyzing how sexes are constructed under a dualistic paradigm, but she also affirms that something beyond constructivism is there; the morphology of bodies offers another entry to discussion. In relation to femi(ni)cide, Fausto-Sterling's five sexes turn out to be interesting: for instance, for those who define the subject of femi(ni)cide in terms of sex (such as Russell, the DRAE, and *Le Petit Robert*),[52] it would be interesting to know what happens with other sexes besides female and male in relation to the concept at issue.

The lack of consensus on the definitions of "woman", "sex", or "gender" does not obscure the existence of the concept femi(ni)cide. Indeed, this situation makes it even more dynamic. It also shows the close relationship between subjectivity and identity; for example, Beauvoir and Butler are theorizing more in the field of subjectivity, but this constantly implies tackling the field of identity: the constitution of subjectivity within a patriarchal frame always refers to a sphere of identity imposed by that system. Depending on how these three concepts are conceptualized, femi(ni)cide may have a limited or a broad definition. A broad definition contains the complexity that the debate on sex-gender entails, and thus maintains the dynamism of the subjects "women", which is helpful, for instance, when discussing the issue of whether or not femi(ni)cide essentializes women.

C. *Gender violence/Violence against women/Patriarchal violence*

On the 20th of December 1993, the general assembly of the United Nations established the Declaration on the Elimination of Violence against Women, in which "violence against women" means any act of gender-based violence that results in, or is likely to result in,

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places, and most of the victims have been young, brown-skinned, economically marginalized women, often workers or students—they have gained international recognition. Monárrez, *Trama de una injusticia,* 49.

[51] Anne Fausto-Sterling, "The Five Sexes: Why Male and Female Are Not Enough," *The Sciences* 32, no. 2 (1993): 1–2.

[52] The 2015 edition of the French dictionary Petit Robert includes two definitions of feminicide: "Feminicide: adj and n.–1855–from the radical Latin 'femina' «woman» and -cide. Didact. 1 – Infrequently used: Someone who kills a woman. N. A feminicide (person who commits a feminicide). 2 - N. m. The murder of a woman or girl because of her sex. Feminicide is a crime recognized by many Latin American countries". Translation in collaboration with Kilian Laclavetine and Matthew Gleeson. Aude Larriaux, "Faut-il reconnaître le «féminicide» dans le droit français?," *SLATE Magazine*, 12 November 2014.

physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.[53] Gender violence and violence against women are clearly used as synonyms here. This definition of the concept they refer to–based on the two-sexes paradigm–shows that it is composed of at least three other elements: violence, women, and gender.

Gender violence, violence against women, and patriarchal violence can be seen as synonymous terms that highlight certain forms of violence that women are susceptible to suffering just because they are "women", and which occur in a patriarchal structure— although what the concepts refer to might differ depending on how gender and woman are understood. Some feminists prefer to call it violence against women or patriarchal violence instead of gender violence because of the institutionalization of the term gender. In Spain, for example, "gender violence" legally applies to females who are in heterosexual relationships; because of the limited understanding of gender and the lack of feminist input, other cases of gender violence are outside the reach of the Spanish law against gender violence. A broad and feminist perspective on gender indicates the social construction of gender and the violence one is susceptible to because of the assumption that one is a certain gender according to a particular sex/gender system, and it covers a vast field of situations, not just "intimate" cases. Here we encounter again the intertwinement of concepts not just in their definitions but also in their configurations in relation to one another. Any of the three concepts that one chooses to use will be composed of two others: the first is violence and the second either gender, women, or patriarchy. I agree with Sayak Valencia that "violence" has not been discussed at length in philosophy even when it has become an interpretative paradigm of current reality.[54] The lack of discussion around the term *violence* makes some feminists appeal to the use of acts of violence by women as justified. This fact suggests that violence needs to be seriously analyzed. Is violence a human condition that constitutes our social structures? Is violence necessarily the use of force to achieve certain targets? In what follows, I will explore two feminist positions on the study of this concept—again, there is no agreed-upon definition.

The first position is the feminist critique of Galtung's theory of violence by Catia Confortini. According to Confortini, Galtung developed his theory of violence in relation to theories of peace, considering violence to exist in inverse proportion to peace. Emphasizing that conflict is not the opposite of peace, Galtung affirms that conflicts will always exist and that ways to resolve them do not necessarily have to be violent. He differentiates three kinds of violence, each with its respective complementary concept of peace: (1) personal or direct violence, with a specific subject (its opposite is the absence of violence or war); (2) structural violence, without subject (its contrary is a positive or structural peace); (3) cultural violence (its contrary is a culture of peace). In his analysis of violence, gender is one variable among others, while from a feminist perspective, according to Confortini, gender should be essential to understanding the whole mechanism of violence.[55]

Confortini argues that conceptualizing violence as a process, instead of as a structure or system, "allows us both to understand the complexities and contestations behind violence as a social practice and to envision possibilities of change", and a feminist perspective makes it possible to "look at how violence and peace are not monolithic mutually exclusive

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[53] UN General Assembly, *Declaration on the Elimination of Violence against Women,* A/RES/48/104 (December 20, 1993), http://www.un.org/documents/ga/res/48/a48r104.htm.

[54] Sayak Valencia, *Capitalismo Gore* (Madrid: Melusina, 2010), 25.

[55] Catia Confortini, "Galtung, Violence, and Gender: The Case for a Peace Studies/Feminism Alliance," *Peace & Change* 31, no. 3 (2006): 336–341.

categories, and how islands of violence can exist within seas of peace or vice versa."[56] At this point, it is worth mentioning that theorists such as Lagarde and Monárrez have noted that femi(ni)cide occurs in times of both peace and war. This goes along with what Confortini notes about Galtung's exclusionary dualistic perspective of violence/peace. His perspective can be problematic, first, because states of peace and war coexist continually; using a naturalized and exclusionary dichotomy—violence/peace—only allows one to imagine a simplistic structure of domination in which one element, peace or violence, takes the upper hand. Second, the relation victim/aggressor that is derived from the structure proposed in the notion of violence obscures the agency of victims; an agent can be both victim and aggressor. Galtung's dualism in this case can lead to a paternalistic posture towards victims. Third, the three kinds of violence explored by Galtung do not have clear boundaries between them, and in fact are continually interacting with and reinforcing each other. Confortini also highlights the role of language not just in legitimizing violence but also in enabling creative alternatives against violence.[57] Finally, Confortini holds that "gender relations are implicated in the very creation of violence. Violence is both made possible by the existence of power/gender relations, and power/gender relations rely on violence for their reproduction. Violence and gender are involved in a relationship of mutual constitution."[58] Gender is a social construction and, as such, is strongly related to violence. Confortini holds that language has a role not only in legitimizing violence (*potestas*) but also in the construction of creative alternatives against violence (*potentia*).

Laura Rita Segato is another feminist who offers an account of violence that also helps to understand the dynamics of violence in the case of femi(ni)cide. In her text *Las estructuras elementales de la violencia*, she states that violence emerges from two interconnected axes: a horizontal axis, established by relations of alliance and competition, and a vertical axis, which is defined by bonds of subordination and appropriation. It is not accidental that Segato titles her book with a paraphrase of Claude Lévi-Strauss's *Les Structures élémentaires de la parenté*, since the horizontal axis is related to the level that Lévi-Strauss identifies with the circulation of gifts or barter, which involves the sphere of language and trade too, while the vertical axis relates to his matrimonial or procreative sphere. Both axes act to constitute one another, comprising a unique and unstable system, two kinds of economies articulated in one. The horizontal axis "Governs the social relations between social categories or individuals who are classified as equals or as being alike."[59] According to Lévi-Strauss, alliance and competition happen only when one recognizes the other as equal; the economy of the gift only makes sense in this sphere. Segato calls this the sphere of the contract of equals, referring thus to Pateman's theory (see above II.A) that those who signed the modern social contract were the fraternity of men[60]. On the other hand, the vertical axis "Orders the categories that, like gender, exhibit marks of differentiated status, classificatory signs that express a differential of worth in a hierarchical world. These marks are constructed and perceived as indelible."[61] This is the sphere of hierarchical differentiation

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[56] Ibid., 341, 346.

[57] Ibid., 349–353.

[58] Ibid., 355.

[59] "rige las relaciones entre categorías sociales o individuos que se clasifican como pares o semejantes." Laura Rita Segato, *Las estructuras elementales de la violencia* (Buenos Aires: Universidad de Quilmes Editorial, 2003), 253.

[60] Pateman, *El contrato sexual*, 8.

[61] "ordena las categorías que, como el género, exhiben marcas de estatus diferenciados, señas clasificatorias que expresan un diferencial de valor en un mundo jerárquico. Estas marcas son construidas y percibidas como indelebles." Segato, *Las estructuras elementales de la violencia*, 253.

and grades of value; here relations are constrained by the payment of tributes. In the paradigm of gender, for example, this tribute is of a sexual nature—women do not participate in the horizontal level, and in the vertical axis they are the transactional object, as explained by Pateman—but other examples encompass class, race, and nationality as well (Segato calls this the stratum sphere).

These two axes influence each other, but because of their mutual interaction this relation becomes unstable. The sphere of the contract requires that its members extract and present appropriate tributes in order to maintain their status of equals and thus not be removed to the stratum sphere. In the horizontal axis, each member never stops trying to pull others into a vertical relation with them. The problem is that this two-axis system does not reproduce itself automatically, even when the ideology on which it is based makes its members believe that its reproduction is natural. This failure makes the system depend on "man's effective will to domination, which cyclically resorts to psychological, sexual or physical violence to restore its 'second nature.'"[62] The supposedly natural condition of this ideology is belied by events that unveil the fact that it is constructed and maintained by violence. Illustrating this structure of violence, Segato offers as an example her reading of the "feminicides" in Ciudad Juárez. She argues that these violent acts have a communicative dimension, in which the interlocutors are not the victims but the co-authors, members of the fraternity of men, and in which "The gendered body of the woman is reduced to adhere definitively to the function of an object destined to be consumed by the construction of masculinity."[63] These femi(ni)cides directly communicate comradely pacts between members of the fraternity, and on the other hand indirectly demonstrate the role assigned to women as disposable objects of tribute.

Is gender-based violence the basis of all violence? Is violence a structure, a process, or something else beyond? These are some questions that remain unanswered when one addresses violence against women, gender-based and patriarchal violence. Many feminists say that femi(ni)cide is not the only form of patriarchal violence, just the most extreme. But "[f]emicide is not only related to other forms of explicit violence against women but also to everyday acts of misogyny that contribute to the creation of a culture of sexism and devalorization of women and their lives."[64] Femi(ni)cide is the ultimate form of gender-based or patriarchal violence, deriving from a continuum of violence of high or low intensity; in this light, other forms of violence such as "domestic abuse" can be seen not as the result of individual passions but as acts that uphold structures of patriarchal domination. For Segato, social violence cannot be understood outside of the "symbolic economy of patriarchal mold."[65] This means that a patriarchal system cannot be separated from the economy of violence at a structural, symbolic, and direct level.[66] Under an understanding of social violence structured or embedded in gender-based or patriarchal violence, the concept of femi(ni)cide emerges not as an isolated phenomenon, but as the concept that exhibits the mechanism by which a system based on the hierarchization of genders preserves its order and normalizes violence against women.

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[62] "voluntad efectiva de dominación del hombre, que recurre ciclicamente a la violencia piscológica, sexual o física para restaurar su 'segunda naturaleza.'" Ibid., 257.

[63] "el cuerpo génerico de la mujer se reduce para adherirse definitivamente a la función de objecto destinado al consumo de la construcción de la masculinidad." Ibid., 256.

[64] Gilda Rodríguez, *From Misogyny to Murder: Everyday Sexism and Femicide in Cross-Cultural Context* (Los Angeles: UCLA, 2010), 16.

[65] "economía simbólica de corte patriarcal."Segato, *Las estructuras elementales de la violencia*, 259.

[66] Pinelo and Simón, *La igualdad es un derecho,* 157.

II. The subject 'woman' in the concept of femi(ni)cide

At this point, I would like to formulate explicitly why the concept of femi(ni)cide does not necessarily essentialize "women". To delve into the complexity of both the phenomenon and the concept of femi(ni)cide, I will make use of sexual difference theory (SDT), according to FNM—more specifically, according to Rosi Braidotti following her reading of Luce Irigaray. SDT "is an important focus that helps explain to us the social differences between men and women."[67] and is useful for understanding the phenomenon of the killing of women that the concept of femi(ni)cide identifies. Both SDT and the concept of femi(ni)cide have been judged as being essentialist, therefore I find it useful to dig into the parallels between them, and to avoid falling into the trap of minimizing the usefulness of both for feminism. I do think that SDT and the concept of femi(ni)cide are activating a similar process, one that is useful in working against the specific crimes against women that are at issue in the concept of femi(ni)cide, and which are based on the ideology of masculine authority.[68]

I am interested in assuming this perspective not in order to take sides in the sex-gender debate, nor to deny the role of materiality or the active role of discourse, but precisely in order to encompass the complexity of the sex/gender debate and the active role of matter and language. FNM does not privilege one side of this debate: it takes seriously not only the materiality of bodies but also that of language, and from that it derives the strategic necessity of the use of the concept "woman", a concept that, according to a redefinition of universality, does not homogenize and essentialize the subject "woman". Thus, SDT (nomadic project) helps to understand and take into account the active processes in which the concept of femi(ni)cide is involved.

A. Sexual Difference Theory

I agree with Braidotti when she states that the subject of discourse is always sexed; it cannot be neutral, gender-free, or universal (understood here in the sense of false universalism).[69] Subjectivity is always corporeally or materially grounded, which means an already sexed condition; this is one of the statements that FNM uses as a point of departure. This sexual difference constitutes but should not determine subjectivity: "the difference between the sexes is radical and constitutive of the human experience […] Just like death, sexual difference is already there, whether we acknowledge it or not."[70] But this would not cause a problem if this sexed condition did not organize the social sphere in a hierarchical way.[71] The concept of patriarchy has helped, indeed, to make this problematic situation visible. There is a system or structure (which is not static and fixed once and for all in a false universalist way) that determines what a "woman", "man", "female", and "male" is—this is what Irigaray calls the system of "the Other of the Same". In this gender system, other possible sexes are placed within the paradigm of the two sexes; that is, other subjects who

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[67] "es un enfoque importante que nos explica las diferencias sociales entre hombres y mujeres,"Monárrez, *Trama de una injusticia*, 44.

[68] Monárrez, *Trama de una injusticia*, 45.

[69] The false kind of universalism is, in fact, a political stance that universalizes some differences over others. It is considered to make overgeneralizations regarding diversity. See Rosi Braidotti, *Nomadic Subjects*, 85. Universalism has traditionally been disembodied, while concealing an abstract masculinity, whiteness, and Occidentalism, a false "subject position that allegedly transcends spatio-temporal and geo-political specificities." Dolphijn and van der Tuin, *New Materialism*, 22.

[70] Braidotti, *Nomadic Subjects*, 95.

[71] Ibid., 94.

fail to fit into the binary gender norm end up falling under the category of "Woman", or, as I will explain later, the "feminine". As one can see, the affirmation of difference as the site of political value and contestation is the key of this nomadic project.

Throughout Western philosophical thought, "difference" has been crystalized in a negative sense as the origin of inferiority; "difference" is conceptualized as the state of being "different from" and thus potentially "less worthy than", creating a dialectical relation between the self and the other[72]. But SDT affirms "difference" and defines it in a way that removes it from the realm of dialectics. It bases difference first in the material condition of sexed bodies. It further involves the project "to push difference in a feminist way further towards this 'different difference'—towards a difference that no longer focuses on a 'differing from' but shows 'difference differing' or 'difference in itself;'" this is what Braidotti calls the "nomadic project"[73]. Given the sexed condition of existence, the entry point of SDT is subjectivity; identity and subjectivity are not the same but are intimately and actively related, as Braidotti has stated.[74]

Irigaray dismantles a false dualism in which the subject "woman"–in the Western tradition at least–is enclosed, occupying the place of the "Other" but not inhabiting her own place. She claims that one cannot separate the symbolic from the empirical; the discourses of the "feminine" cannot be separated from the historical real conditions and status of "women."[75] Irigaray suggests that the problem of the Other in the Western tradition is a farce, like a cat trying to bite its own tail, and she calls this false dualism the "Other of the Same."[76] This false dualism operates because "Man" constructs his Other according to his own values, thus this Other is the representation of himself, for he has posited his own values in it.[77] Therefore, one can speak of the formula "Other of the Same." Man, in this formula, is the "Same" and he defines the "Other" as "Woman". The capitalization of Woman, in this case, highlights the representation of "woman" as the Other. Both Irigaray and Braidotti agree that the Other is not fully represented as such in this equation.

This formula is based on an asymmetrical relationship of sexes expressed in the following way: Other-Same=Woman-Man. Woman is thus determined by the values of Man; what is considered the "feminine" is this Other, corresponding to a patriarchal symbolic level which usually represents distorted male values, designating and referring to a "female subject", a subject who indeed is not represented in the idea of "feminine": "[t]his 'feminine' bears no immediate or even direct relationship to real-life women. It is a typically masculine attitude that turns male disorders into feminine values."[78] When Thomas Aquinas says that the father is the active force of procreation and because of that he should be more loved than the mother, who is the passive principle, his idea enforces the image of the feminine as passive and in opposition to active masculinity. This "feminine", I will suggest, is what is at stake when discussing the subject of femi(ni)cide.

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[72] See Braidotti, *Metamorphoses*, and Kathrin Thiele, "Pushing Dualisms and Differences: From 'Equality versus Difference' to 'Nonmimetic Sharing' and 'Staying With the Trouble,'" *Women: A Cultural Review* 25, no. 1 (2014): 9–26.

[73] Thiele, "Pushing Dualisms and Differences," 11.

[74] See Braidotti, *Nomadic Subjects*.

[75] Ibid., 94.

[76] Ibid., 96.

[77] Butler has pointed out that that 'Other' not only contains 'women' but also others such as non-normative subjects (e.g. queer, transgender, homosexuals). This does not conflict with SDT: according to Braidotti, these 'others' are usually feminized and put in the place of the 'Other'.

[78] Braidotti, *Nomadic Subjects*, 92.

Since women's voices have been distorted by the words of men, "woman-defined-feminine" has to develop her own representations if she is to overcome her position as the Other of the Same. At the same time, "woman" must find her own otherness in relation to other women, which is unrepresented ("the other of the Other"[79]). The only solution that might allow women to hear and find their own voice is to decode it *through* man's production but not *according to* his production: one can either reproduce the same values and representations of Woman according to the productions of the Other, or else woman can construct and find her own representation through the productions of men. She cannot do it otherwise, because one is already embedded in the world and this world has been configured in a certain way, through the language that constructs the Other. Language, as Butler notices, is the means by which one approaches the world, it is a social construction but at the same time it constructs.[80] Thus, Braidotti and Irigaray propose to find woman's own representation of herself through representations of the "feminine", via the action of mimesis–that is to say the repetition of patterns, in which each repetition is not the same, in order to stress the differences–or what Braidotti calls "working through."[81]

One needs to work through or work via mimesis because, as stated, by being embedded in the world, one is immersed in a language that has been configured by a patriarchal structure. This entails working through it because one cannot be outside of it, one is actively part of it: "Patriarchal ideology has molded our own unconscious, to the point where the representation women make of ourselves and of our role in society is nothing more than our own adoption of the patriarchal terms"[82]. Thus, woman's own selves are not just already embedded in patriarchal language, but also constitute their own subjectivity according to patriarchal values. Nevertheless, this does not mean that nothing can be done to change this condition; language is also productive power (*potentia*). Braidotti adds, "it is in language, not in anatomy, that my gendered subjectivity finds a voice, becomes a corpus and is engendered."[83]

The feminist project of Braidotti is interested in the affirmation of difference as the site of political value and contestation; therefore, her aim is to bring the "female subject" into representation, since it is not fully represented in the idea of the "feminine". For Braidotti, this is her nomadic project, the result of which would be the "virtual feminine", in which virtual is not to be understood in opposition to real or existent, but rather as a process or project: "the effect of the project, a political and conceptual project of transcending the traditional subject position of Woman as Other of the Same."[84] Braidotti points out that sexual difference constitutes but does not determine subjectivity. Therefore, she takes it as a political strategy that helps to distinguish between different processes of differentiation. For methodological reasons, she divides her nomadic project into three non-hierarchical, directional, or dialectical phases, where time is not to be taken as linear but, instead, the different temporalities of the subjects-defined-Woman are to be considered. Her purpose

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[79] Luce Irigaray, *An Ethics of Sexual Difference* (London: The Athlone Press, 1993), 97.

[80] See Butler, *Gender Trouble*.

[81] Braidotti, *Nomadic Subjects*, 130.

[82] "la ideología patriarcal ha modelado nuestro propio inconsciente, hasta el punto que la representación que las mujeres nos hacemos acerca de nosotras mismas y de nuestro rol en la sociedad no es sino nuestra propia asunción de las consignas patriarcales." Celia Amorós, *Hacia una crítica de la razón patriarcal* (Barcelona: Anthropos, 1985), 122.

[83] Braidotti is here using "anatomy" to think against a certain essentialism: that which takes anatomical differences as devoid of any relation to language and which essentializes and hierarchizes them. She is not supporting the dualistic idea of language versus body, but in fact highlighting the complex embodied nature of language. Braidotti, *Nomadic Subjects*, 132.

[84] Braidotti, *Nomadic Subjects*, 103.

responds to the "need for action at the level of identity, of subjectivity, and of differences among women. These different requirements correspond to different moments, that is to say, different locations in space, that is to say, different practices."[85]

The first level involves extrapolating the differences between men and women in order to critique "false universality"–i.e., the idea that there can be a neutral universal subject–as well as the idea of difference in its pejorative sense, in which the existence of difference is seen as eliminating the possibility of mobilizing collectively. In the case of femi(ni)cide, such a pejorative sense of difference would make the concept less politically potent. The concept gains in political potency, however, if it can be applied in recognizably diverse places and circumstances without false universalism, and if it works on female subjectivities that act from the affirmative belief of difference. The second level concerns the differences between Woman (as recognized according to the symbolic representation as the Other) and real-life women. At this point, the task is to formulate female subjectivities without falling into relativism, and here the notion of identity is very important and has to be taken into consideration. The third level refers to the differences within each woman and a recognition of the subject itself as a non-unitary entity. The effect of this process, for Braidotti, is as follows: the "virtual feminine" enabling new representations of the "female subject". Ultimately, the task of the project of sexual difference theory is not to essentialize but rather to provide alternative representations for female subjectivities, taking into account the multiple processes of each woman as well as the already embedded and embodied situation of subjects within certain discourses, especially the patriarchal one; thus, this project aims to empower women to move, to act, and to desire to be a "woman" different from that represented by the "feminine". This desire for transformation is the political impact of SDT or the nomadic project.

B. *Sexual Difference Theory and femi(ni)cide*

At this stage, how does SDT help to analyze and understand femi(ni)cide? In this theory, it is stated that there is an imaginary state in which patriarchy has organized the "real world" through a patriarchal language, according to Lacan.[86] The Same has established the rules of the game; to ask *why* is probably not the main question here, but to question *how* should be of interest in order to find ways of breaking up patriarchal systems and thus activating change.[87] The concept of femi(ni)cide can help to explore this second question, because it concerns the concepts of "Woman" and "feminine" as portrayed by SDT, and because it is a concept that obtains its meaning in the system sketched by patriarchy, which constructs

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[85] Ibid., 164.

[86] To offer an overview of Lacan's perspective, I follow Dr. Alejandra Moreno's reading. There are four psychoanalytic states related to the construction of the subject according to Lacan. (1) There is a real state into which people are born, that of identification. Irigaray agrees with this. (2) There are empirical states in which man is conscious of his penis and women realize their "lack" of it; at this point Irigaray disagrees with Lacan, saying that here he is playing the game of the "Other of the Same," applying his own values. What she proposes is the realization of a diversity of sexual organs, and she suggests considering the vaginal lips. (3) There is the Imaginary state: because of the penis, men develop as active and women develop as passive. Irigaray would say that since what happens in the previous level is not related to a lack, the subjectivity of women develops as active too. (4) There is the level of the symbolic, in which language is constructed and is patriarchal. Irigaray would make suggestions for an active and plural women's language. But since women have been immersed in the "Other of the Same" system, they need to work to bring their selves into representation, to develop their own voices. (Feminist Research seminar, University of Granada, Spain, 2014).

[87] Some theorists, such as Rubin, suggest that Freud's theory of sexuality can be read as a theory of how normative gender is acquired.

the formula "Other of the Same" that is effectuated in "real" bodies. Even when this feminine is not disembodied, it can include or be applied to non-female subjects too; some non-female subjects can be drawn into the phenomenon of femi(ni)cide, such as in the case of transphobic femi(ni)cide: "The victim is a transsexual woman and the perpetrator kills her because of her transsexual identity, because of hatred or denial of it"[88]. The subject "woman" of the concept femi(ni)cide is not fixed or disembodied; this subject may indeed be seen through (or engaged in) the nomadic project of becoming a "virtual feminine"— that is, in the process of making other representations of the self aside from that of the Other of the Same. But even if she no longer identifies herself totally as a Woman or as the "feminine", this may not liberate her from being identified by others as Woman and thus murdered, whether because she was identified as fulfilling such a universal identity or because she was identified as seeking to break with it. The agency that the "female subject" practices seems to be cut off by the very act of the killing.

The concept of femi(ni)cide finds its definition in the power tension/relation between woman/man in the Other-of-the-Same-system; a gendered relation between the aggressor and the victim determines what kind of killing one is facing, and therefore not all killings of women are femi(ni)cides. For example, if a criminal explodes a bomb in a bank and women are murdered as a result of the act, one cannot say it was a femi(ni)cide. When a subject defined feminine is the target of and the factor that motivates the crime (such as in the case of Jack the Ripper, who's primary target was prostitutes), then one is facing a femi(ni)cide. Furthermore, a woman can be a perpetrator of femi(ni)cide–even if, in her power relation with the victim, she might not occupy the same position than a male perpetrator does–by acting as an accomplice or by reinforcing the Other-of-the-Same-system. A case of reinforcing the construction of the place of the "feminine", for example, might be one in which a woman kills another woman because that woman is the mistress of her partner.

The analysis of Woman and femininity offered by Braidotti, echoing Irigaray, also resonates in the words of Monárrez, when she states that "Feminicide would thus mean the death of feminine beings or of those who have the characteristics of women, whether or not they are women"[89]. Patriarchy recognizes just two genders, as noted by Fausto-Sterling, and when new forms appear it tries to fit them into its schemas and judge from there what kind of relations must be established: this is what Butler calls "normative gender."[90] Feminists can endlessly disagree on or problematize the issue of what a woman is, and this will enrich the many possibilities that feminism can offer to those subjects placed in various contexts in the position of Woman. But one also needs to keep an eye on the real situation in which the patriarchal system organizes sexed subjects according to the two-gender paradigm, legitimizing structures of violence against the "feminine", the "Other".

Conclusion

The concept of femi(ni)cide is connected to the problem of the killing of "women", and thereby it is also connected to other problems through its constitutive concepts such as patriarchy, women, and gender violence. But all these concepts demand a situated analysis. And I contend that femi(ni)cide is universal to the extent that it should be understood as a

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[88] "la víctima del asesinato es una mujer transexual y el victimario la asesina por su identidad transexual, por odio o rechazo de la misma." Graciela Atencio, "Por qué documentar el feminicidio," in Atencio, *Feminicidio*, 227.

[89] "[f]eminicidio significaría entonces la muerte del ser femenino o con características de mujer, sea o no una mujer."Monárrez, *Trama de una injusticia*, 34–35.

[90] Butler, *Gender Trouble,* xi.

situated universality[91]. This does not mean that patriarchy is the same all over the world, that women and females are all equal and have the same social conditions everywhere, or that gender violence is experienced in the same way in all societies. All these considerations are grasped intensively by the concept of femi(ni)cide as a universal concept. The elements that the concept of femi(ni)cide sheds light on should also be guidelines for analyzing the phenomenon of the killing of women as an *agencement machinique*, which emerges in a certain time and in certain "g-local" conditions, or in other words as "locally enacted global phenomena."[92]

Femi(ni)cide is a phenomenon that halts the becoming of the "female feminine subjects", their chance to be the subjects they want to be. As "women-defined-feminine", we need our selves alive in order to have the opportunity to become others: "virtual feminine". Here, to me, is where feminist sexual difference theory and the concept of femi(ni)cide weave a possible encounter. None of them are essentialist, in the sense of assigning fixed and static essences; rather, they both point at a system that constructs essences to legitimize violence and hierarchical gender relations and thus determines subjects according to certain fixed gender norms. In this sense, the concept of femi(ni)cide is not a cage that essentializes subjects in a binary system, but rather a useful tool with which to confront and name a system that essentializes certain subjects in order to maintain an order and the monopoly of restrictive power. The constitutive concepts of femi(ni)cide do not enjoy general consensus as to their meaning or use, and are loaded concepts in which many emotions and interests are in play; therefore, one cannot tackle the scope of the concept femi(ni)cide and try to understand its complexity without paying attention to all these discourses.

Femi(ni)cide, as analyzed here, is not a concept that essentializes the subject "woman" *per se*; but it takes its meaning in a patriarchal structure, and it is within the framework of this patriarchal determination that the notion of the "feminine" essentializes certain subjects as Woman. So, to respond to the question of whether the concept of femi(ni)cide essentializes women, it does so only to the extent that it responds to a patriarchal determination. The concept of femi(ni)cide does not establish what a woman is or what she should be; it points out what a woman is and should be according to the definitions of a specific system. Within that framework, femi(ni)cide assumes the following meaning: the killings of women, or feminized subjects, as outlined by the "Same," the patriarchal system. Thus, this concept helps to identify the specificities and the consequences of patriarchy and opens the possibility of naming and taking actions. The process of women's self-subjectivization is obviously broken when violence is done to the subject; or in other words, using Braidotti's terms, femi(ni)cide is a concept that sheds light on the cutting off of the becoming of the woman one wants to be.

This theoretical approach to femi(ni)cide, hopefully, has shown indirectly that the materiality of this phenomenon is entangled with every concept it touches, because concepts are not separated from the practical-social world. Besides obviously emerging from the materiality of death, this concept also exists in relation to other nuances of materiality–such as those of race, class, the violence effectuated on certain bodies, and the material features of the bodies at stake–which need to be considered in a more detailed analysis of the phenomenon. Finally, once again I stress the following point: it is important to discuss the concept of femi(ni)cide on a philosophical level when debating its legal categorization in order to understand the dynamic of at least its three constitutive elements.

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[91] Braidotti understands universality as "a qualitative leap, from individual experience to collective practice." Braidotti, *Nomadic Subjects*, 115.
[92] Ibid., 9.

This is necessary in order to avoid draining the concept of political power and to do justice to the materiality it is speaking to and through. And, since theory is always in relation with the practical world and this sphere is constantly changing, theory is never definitively completed but is always in a process of becoming.

References

Amorós, Celia. "El imaginario de la globalización ¿activa el imaginario libertino?" Lecture, Benito Juárez Autonomous University, Oaxaca, Mexico, April 6, 2006.

———. *Hacia una crítica de la razón patriarcal*. Barcelona: Anthropos, 1985.

Atencio, Graciela, ed. *Feminicidio: De la categoría político-jurídica a la justicia universal*. Madrid: Catarata, 2015.

Braidotti, Rosi. *Nomadic Subjects: Embodiment and Sexual Difference in Contemporary Feminist Theory*. New York: Columbia University Press, 2011.

———. *Metamorphoses: Towards a Materialist Theory of Becoming*. Cambridge/Malden: Polity Press, 2002.

Butler, Judith. *Gender Trouble: Feminism and the Subversion of Identity*. New York/London: Routledge, 1990.

Carcedo, Ana, and Montserrat Sagot. *Femicidio en Costa Rica 1990–1999*. San José: INAMU, 2000.

Confortini, Catia. "Galtung, Violence, and Gender: The Case for a Peace Studies/Feminism Alliance." *Peace & Change* 31, no. 3 (2006): 333–367.

Deleuze, Gilles, and Félix Guattari. *What Is Philosophy?* New York: Columbia University Press, 1994.

Delphy, Christine. *Por un feminismo materialista: El enemigo principal y otros textos*. Barcelona: La Sal, 1985.

Dolphijn, Rick, and Iris van der Tuin. *New Materialism: Interviews and Cartographies*. Ann Arbor: Open Humanities Press, 2012.

Esteban, Mari Luz. *Crítica del pensamiento amoroso*. Barcelona: Edicions Bellaterra, 2011.

Fausto-Sterling, Anne. "The Five Sexes: Why Male and Female Are Not Enough." *The Sciences* 32, no. 2 (1993): 20–24.

Friedan, Betty. *The Feminine Mystique*. New York: Dell Publishing Co. 1964.

Gargallo, Francesca. *Feminismos desde Abya Yala: Ideas y proposiciones de las mujeres de los 607 pueblos en nuestra América*. Mexico City: Editorial Corte y Confección, 2014.

Gatens, Moira. "Beauvoir and Biology: A Second Look." In *The Cambridge Companion to Simone de Beauvoir*, ed. Claudia Card. Cambridge: Cambridge University Press, 2003.

Grosz, Elizabeth. *Becoming Undone: Darwinian Reflections of Life, Politics, and Art*. Durham: Duke University, 2011.

Haraway, Donna. *Simians, Cyborgs and Women: The Reinvention of Nature*. London: Free Associations Books, 1991.

Irigaray, Luce. *An Ethics of Sexual Difference*. London: The Athlone Press, 1993.

Larriaux, Aude. "Faut-il reconnaître le «féminicide» dans le droit français ?," *SLATE Megazine*, November 12(2014).

Lerner, Gerda. *La creación del patriarcado*. Barcelona: Editorial Crítica, 1990.

Monárrez, Julia. *Trama de una injusticia: Feminicidio sexual sistémico en Ciudad Juárez*. Mexico: El Colegio de la Frontera Norte–Miguel Ángel Porrúa, 2009.

Pateman, Carole. *El contrato sexual*. Barcelona: Editorial Antrophos-UAM-I, 1995.

Pinelo, Serret María, and María Elena Simón Rodríguez. *La igualdad es un derecho: Libros de texto para la asignatura: igualdad de género, en educación media superior*. Oaxaca: IMO, 2008.

Radford, Jill, and Diana Russell, eds. *Feminicide: the politics of woman killing*. Buckingham: Open

University Press, 1992.

Rodríguez, Gilda. *From Misogyny to Murder: Everyday Sexism and Femicide in Cross-Cultural Context*. Los Angeles: UCLA, 2010.

Rubin, Gayle. "The Traffic in Women: Notes on the 'Political Economy' of Sex." In *Toward an Anthropology of Women*, ed. Rayna Reiter, 157–210. New York/London: Monthly Review Press, 1975.

Russell, Diana. "The Origin & Importance of the Term Feminicide." Author Website. Published December 1, 2011. http://www.dianarussell.com/origin_of_femicide.html.

———, Diana and Roberta Harmes, eds. *Femicide in Global Perspective*. New York/London: Teachers College Press, 2001.

———, Diana and Roberta Harmes, eds. *Feminicidio: una perspectiva global*. Mexico: CEIICH–UNAM, 2006.

Segato, Laura Rita. *Las estructuras elementales de la violencia*. Buenos Aires: Universidad de Quilmes Editorial, 2003.

Thiele, Kathrin. "Pushing Dualisms and Differences: From 'Equality versus Difference' to 'Nonmimetic Sharing' and 'Staying With the Trouble.'" *Women: A Cultural Review* 25, no. 1 (2014): 9–26.

UN General Assembly. *Declaration on the Elimination of Violence against Women*. A/RES/48/104. December 20, 1993. http://www.un.org/documents/ga/res/48/a48r104.htm.

Valencia, Sayak. *Capitalismo Gore*. Madrid: Melusina, 2010.

Van der Tuin, Iris. "'Jumping generations' On Second-and Third-wave Feminist Epistemology." *Australian Feminist Studies* 24, no. 59 (2009): 17–31.

Varela, Nuria. *Feminismo para principiantes*. Barcelona: Ediciones B, 2014.