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Josh Segalewitz
University of Dayton

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Bearing Witness to Sexual Violence as a Violation of Women's Rights

**by
Josh Segalewitz**

Winner

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Bearing Witness to Sexual Violence as a Violation of Women's Rights

On January 21, 2017, masses of people around the globe gathered for one of the largest collections of public protest in history. It is estimated that over seven million people gathered to raise awareness of human rights violations towards several different groups. However, perhaps the largest common trope was echoed time and time again in the phrase, “women's rights are human rights.” Conversations surrounding women's rights have been pushed to the forefront of human rights discourse in the recent past, and although there has certainly been a lot of progress towards the universal enforcement of women's rights, the role of bearing witness to modern day violations is still incredibly important. In his book *The Work of Global Justice*, Fuyuki Kurasawa notes that, “public spaces have been transformed into veritable machines for the production of testimonial narratives and evidence.”¹ Thus, in the past century, bringing human rights violations to the forefront of conversation within public sphere has become a powerful tool in combating violations, which is especially true for the women's rights movement. Contextualizing the ways in which intersubjectivity, publicity, and transnationalism play into that act of bearing witness to women's rights abuses is critical in understanding why challenges, like silencing and indifference, arise and how they can be combated.

Before entering the sphere of bearing witness to women's rights abuses and violations, I think it is important to analyze several key components in bearing witness: intersubjectivity, publicity, and transnationalism. First, intersubjectivity refers to the, “intrinsically dialogical process of recognition involving both eyewitnesses and their audiences.”² In saying this, Kurasawa emphasizes the point that, in reality, bearing witness is moot unless the violations can

¹ Fuyuki Kurasawa, *The Work of Global Justice* (Cambridge, UK: Cambridge University Press, 2007) 24.

² Kurasawa, *The Work of Global Justice*, 29.

be documented in some way and presented to an audience. Through communication with this audience, the goal of the witness should be to motivate them to take action. While this is difficult because often these form of communication can be like messages in bottles, in that the witness can never know for sure how people will perceive it, this difficulty only highlights the importance of dialogue between the witness and the audience. The goal in bearing witness should be to pique the interest of the audience, prompt them to ask questions, and motivate them to take a stance against a human rights violation.

Secondly, publicity is an integral part of the bearing witness process. Kurasawa remarks that the process through which the witness is in dialogue with an audience must be, “publicly oriented affairs that citizens and states undertake in a multiplicity of sites and through diverse means of communication.”³ The concept of publicity is closely aligned with the principle of intersubjectivity. However, publicity also reinforces the idea that the audience on the receiving end of the dialogue between witness and audience should be large enough to make a change. Being a witness to a violation of human rights is fine, and telling some people is good, but publicly announcing these violations is what truly will mobilize masses of people that want to make change. This is where Kurasawa notes that it is important to utilize everything from, “museums and courts to books, photography, films and television, electronic and print media” to inform people of atrocities and prevent their proliferation.⁴

Transnationalism is the final key component in bearing witness. This is characterized by, “draw[ing] upon institutional and social relations that exist beyond the territorial borders where human rights abuses or struggles are taking place.”⁵ There is no denying the fact that we live in a

³ Kurasawa, *The Work of Global Justice*, 30.

⁴ Kurasawa, *The Work of Global Justice*, 30.

⁵ Kurasawa, *The Work of Global Justice*, 30.

more globalized world than ever before. Thus, it becomes much more important to think of human rights situations within a broader global context when considering their solution. Kurasawa goes on to note that international actors, “frequently play determining roles in acknowledging and publicizing atrocities, as well as initiating judicial procedures on behalf of victims and survivors.”⁶ Making an effort to address the global community when bearing witness to human rights abuses has become increasingly important in the search for solutions to these atrocities.

One of the most pressing violations of women’s rights is sexual violence, which will be the focus of the bulk of this essay. While it is important to note that sexual violence is universal, in that anyone can be a victim regardless of several different factors including (but not limited to) gender, sex, sexual orientation, race, and class, it is equally important to note that the vast majority of victims are women and the vast majority of perpetrators are men. Thus, when sexual violence is viewed as a tool used by a select few men, but that reinforces patriarchy in society which benefits all men and disadvantages all women, it is clear to see how sexual violence fits into the conversation as a women’s rights issue. Put into this lens, bearing witness to sexual violence becomes increasingly important. However, as I will discuss later, viewing sexual violence as a women’s rights violation does not mean that men should be excluded from the conversation. Rather, this paper will assert that the burden and privilege of bearing witness to sexual violence should rest on the shoulders of everyone in society. This is possible because of the inherent two-tiered nature of bearing witness to sexual violence. Since it often happens behind closed doors, the victim can be considered the first witness. However, perhaps equally as

⁶ Kurasawa, *The Work of Global Justice*, 30.

important are the secondary witnesses: those to whom the victim discloses. These are the people who witness the trauma that sexual violence inflicts on its victims, and it is these people who should be motivated to act towards ending it. Finally, it is important to note that sexual violence is just one manifestation of violations of women's rights occurring in our modern world, and much of what will be discussed can be extrapolated to other women's rights violations.

Using the three components outlined above, it is important to analyze the importance of bearing witness to sexual violence, and what this witness can do to help victims and fight against more violations. First, intersubjectivity addresses the importance of dialogue about sexual violence between a witness and the audience. Again, this could be a conversation between a primary witness (someone who has personally been victimized) or a secondary witness (someone who is witness to the trauma of the violation). One example of the importance of engaging in this dialogue is given by Elizabeth Volkmann in her essay titled "Silent Survivors." Volkmann, who is a physician and analyzes the role that doctors can play in supporting survivors, notes that, "for many survivors, the narrative of the traumatic event presents not as a dialogue, but as a physical malady, such as pelvic pain or a functional gastrointestinal disorder."⁷ Because there is such a stigma around discussing sexual violence, it becomes imperative to engage in dialogue that connects the residual physical pain of an assault with the emotional pain left by it. Engaging in this dialogue, "help[s] reduce the burden of secrecy and shame," and begins the healing process for these survivors.⁸ Thus, fulfilling the intersubjectivity component of bearing witness begins the healing process for victims of this type of human rights violation, and begins to dismantle the stigma that has formed around reporting sexual violence.

⁷ Elizabeth R. Volkmann, "Silent Survivors," *Annals of Family Medicine* 15, no. 1, (January 2017), 78.

⁸ Volkmann, "Silent Survivors," 78.

Publicity emphasizes why bearing witness to sexual violence should be available to the public in several different spheres. In the very recent past, for example, news outlets of all kinds were used to inform masses of people of instances in which notable figures in society committed sexual harassment and abuse. In fact, two publications, *The New Yorker* and *The New York Times*, even won Pulitzer Prizes for their coverage of stories that, “contributed to a ‘worldwide reckoning’ regarding sexual harassment and assault and the dynamics of gender and power.”⁹ As I noted earlier, publicity is key in mobilizing enough people to affect change that will prevent a human rights violation from occurring in the future. In the case of sexual harassment and assault in Hollywood, media coverage on such a wide scale has begun to change the culture; more people are willing to stand up and proclaim that sexual violence is not okay in any situation, but especially when money and power have such a large influence. The two publications were awarded the prize, “for explosive, impactful journalism that exposed powerful and wealthy sexual predators,... bringing them to account for long-suppressed allegations of coercion, brutality and victim silencing,” which truly demonstrates the ways in which publicizing the bearing of witness can impact a social climate.¹⁰

Finally, the role of transnationalism in bearing witness to sexual violence as a human rights violation sheds light on the international nature of sexual violence. In her book titled *Democratic Insecurities: Violence, Trauma, and Intervention in Haiti*, Erica Caple James analyzes the role of sexual violence in the terror apparatus in Haiti during the coup years from 1991-94. She says that the widespread use of rape as a political tool to suppress pro-democracy

⁹ “The New Yorker and The New York Times Win the Pulitzer Prize for Public Service,” *The New Yorker*, April 16, 2018, <https://www.newyorker.com/news/news-desk/the-new-yorker-and-the-new-york-times-win-the-pulitzer-prize-for-public-service>.

¹⁰ “Pulitzer Prize for Public Service,” *The New Yorker*.

can be interpreted as a, “reflection of male anxieties about the perceived breakdown in the social order.” Thus, this use of sexual violence “recognize[d] and designate[d] women as vulnerable ‘victims,’” within Haitian society.¹¹ However, Haiti is just one example of the use of sexual violence to systematically repress women in society. This highlights the importance of transnationalism in the fight to end sexual violence. As noted earlier, sexual violence is universal, which includes its ability to transcend national borders. Publicizing human women’s rights abuses, like sexual violence, to the global community opens new avenues for aid to flow in and help those who have been victimized, no matter where they are on the globe.

In utilizing these three concepts to bear witness towards sexual violence as a women’s rights violation, the witnesses create the capacity to enact real change, in hopes that the kinds of violations can cease to happen in the future. However, there are several challenges that must be overcome as a witness in order to mobilize the audience, two of which are silence and indifference. Kurasawa claims that, “atrocities can... be hidden from the outside world by reshaping the theatres in which they are committed.”¹² He notes that this silence can occur through different forms, whether that be, “the organized slaughter of eye-witnesses, ... their mass imprisonment, suppression and censoring.”¹³ In analyzing examples in the United States, victims of sexual violence and their witnesses are not slaughtered or imprisoned, which would cause huge public uproars. However, these witnesses are silenced through the social stigma that is associated with a victim of sexual violence, and through the often traumatic process of going through the criminal court system. In *Missoula: Rape and the Justice System in a College Town*,

¹¹ Erica Caple James, *Democratic Insecurities: Violence, Trauma, and Intervention in Haiti* (Berkeley, CA: University of California Press, 2010), 43.

¹² Kurasawa, *The Work of Global Justice*, 34.

¹³ Kurasawa, *The Work of Global Justice*, 33.

Jon Krakauer quotes Allison Huguet, as victim of sexual violence committed on campus at the University of Montana: “He [the detective assigned to the case] basically said, ‘ you better prepare for the hardest, nastiest fight of your life if you go that route [the criminal court system]’ ... He said my life would be torn apart, and every aspect of it would be exposed in public, and these cases are very hard for victims to win.”¹⁴ Thus, in efforts to bear witness and bring their attackers to justice, victims must relive the traumatic experience over and over again in court proceedings, which is difficult and can be silencing for many victims. Even further, if the witness wishes to publicize their case, in efforts to create even more social change and send the message that sexual violence is not okay, they are forced to share even the most minute details to ensure that their story is believed by the public, something that, again, can deter victims from sharing.

Kurasawa notes that modern life has led to situations such that, “perpetrators of and bystanders to global injustices can transfer responsibility for their actions and decisions onto socio-political institutions.”¹⁵ In the case of bearing witness, this transferring of responsibility often occurs when engaging men in the discussion surrounding sexual violence. Since sexual violence is widely perceived to be a problem of men-on-women violence exclusively, many men believe that a commitment to never rape women is sufficient in doing their role to end sexual violence. While this is, as its most basic level, rooted in falsities (after all, while the majority of victims are women, we cannot discount the fact that men also experience sexual violence), this is a difficult perception to overcome for witnesses to sexual violence. Additionally, in order to engage men in discussions surrounding sexual violence, it becomes necessary to reflect critically on the ways in which masculinity contribute to the victimization. As stated before, the vast

¹⁴ Jon Krakauer, *Missoula: Rape and the Justice System in a College Town*, (Toronto, CA: Penguin Random House LLC., 2015), 34.

¹⁵ Kurasawa, *The Work of Global Justice*, 41.

majority of sexual violence perpetrators are men. Thus, it becomes crucial to analyze the ways in which society educates men, and in particular the ways in which society teaches men to engage with women, in order to truly get at the root of this problem. While this is easy to say, it is often difficult for men that do not have some knowledge on gender theory to draw connections between masculinity and sexual violence, creating a pattern of indifference. In the article “Gender Transformative Approach to Engaging Men in Gender-Based Violence Prevention,” the authors point out that, “men’s engagement programming incorporating a ‘gender transformative’ approach is much more likely to successfully shift men’s gender and violence-related attitudes and behaviors than programs that do not explicitly address ideas about gender norms.”¹⁶ Thus, in order to break the indifference that many men feel towards engaging in conversations surrounding sexual violence, it becomes imperative to address the ways in which even those men who are not perpetrators of sexual violence are contributing to a normalizing culture, which is no easy task.

Although there are challenges (in fact, many more than the two that are outline in this paper) to bearing witness to sexual violence, and other violations of human rights, it is important not to let the challenges suppress our ability to bear witness. Being a witness to human rights violations is perhaps the only way to alert others to the atrocities that people experience. In doing this, the audience can be mobilized to protect those who become victimized, thus preventing similar violations from occurring in the future. In the case of women’s rights, the last century has brought about immense change, but there is still much more progress to be made. One goal of human rights is to ensure that each human is granted certain dignities solely based on their

¹⁶ Erin Casey, “Gender Transformative Approaches to Engaging Men in Gender-Based Violence Prevention: A Review and Conceptual Model,” *Trauma, Violence and Abuse* 19, no. 2, 2016: 231.

personhood. Thus, in weighing the importance of bearing witness to women's rights violations, it is important to keep in mind that being a witness to these violations demonstrates a commitment to securing these dignities for half of the human species, a half that has been repeatedly disadvantaged and degraded through history.

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