NOBODY PASSES

Rejecting the Rules of Gender and Conformity

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INNOCENT VICTIMS AND BRAVE NEW LAWS:

State Protection and the Battered Women's Movement

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The contemporary battered women's movement emerged in the 1970s. Through practices like consciousness-raising, second-wave feminists of this period began to theorize domestic violence as not simply an individual problem but as something women experienced as a class. Feminists saw domestic violence as part of the larger problem of patriarchy and understood it as primarily a problem of male power and control over women, specifically through violence within heterosexual relationships. The first domestic violence shelters emerged in the early 1970s, first in England and then in the United States. These shelters were originally women-run and women-centered, and often were simply composed of members who would take battered women into their

own homes. The emphasis of these early efforts was on empowerment instead of rehabilitation and reflected a belief that violence against women was a social and political rather than psychological problem. As the founder of one of the first U.S. shelters for battered women, Women's Advocates in Saint Paul, Minnesota, argued, "[A] shelter is not a treatment center, residents are not described as clients, battering is not described as a syndrome. Women are not thought of as victims except as victims of a crime requiring redress."[1]

By the 1990s, battered women's shelters had grown tremendously both in number and in size, but this growth was accompanied by a shift away from structural critiques of patriarchy and toward more therapeutic models that emphasized rehabilitating victims of abuse. Notably, *battered women's syndrome* became a term used frequently by battered women's advocates, and shelters increasingly resembled treatment centers. The element of the early philosophy that remained central, and even increased in importance within the movement, was the idea that violence against women was a crime. In a relatively short period of time, collective empowerment-based approaches receded, and approaches that emphasized rehabilitation and criminalization flourished.

In conjunction with this shift, the state has begun to take much greater interest in combating violence against women. This trend is most clearly reflected in the passage of the Violence Against Women Act, perhaps the most significant legislative victory at the federal level for battered women's activists in U.S. history. The Violence Against Women Act, which was signed into law in August of 1994 as part of the Violent Crime Control and Law Enforcement Act, established a federal Office on Violence Against Women within the Department of Justice, started the National Domestic Violence Hotline, and created new penalties for gender-related violence. Additionally, the act encouraged states and tribal governments to address domestic violence through the creation of several grant programs. Among other things, these grants were designed to increase enforcement of laws targeting violence against women, to encourage the arrest of perpetrators, to foster the development of collaborative efforts between victims' advocates and the police, and to increase funding for shelters and services designed to protect battered women. The Violence Against Women Act directed unprecedented amounts of federal money and attention to the plight of battered women at a time when most social programs were being cut, a fact that says a great deal about the battered women's movement's effectiveness in gaining legitimacy and recognition from the state. In addition, while feminist claims to sexual autonomy, reproductive freedom, and economic justice have been steadily eroded in recent years, domestic violence has gained increasing national attention.

However, the "success" of the battered women's movement has proven to be a double-edged sword. In order to gain public support, domestic violence advocates portrayed abused women as innocent victims who suffered at the hands of particularly deviant men. While this narrative perhaps sought to combat the idea that abuse was a woman's own fault, it drew upon dominant ideas of "innocence" and "victimhood" and required that women represent themselves in particular ways in order to be recognized as deserving of assistance. This requirement to pass as a "good victim" reinforced dominant gender norms and also marginalized women of color, immigrant women, working-class women, homeless women, lesbians, gay men, transgender people, and anyone

who did not or could not fit these norms. Perhaps even more insidiously, these kinds of legislative engagements with the state have increasingly come to pass as the only kind of "real" or acceptable politics. Under the rubric of helping "real" victims of "real" crimes, approaches that emphasize criminalization and rehabilitation have usurped critiques that sought to change how power is distributed in society and have naturalized the process of criminalizing violence against women and seeking expanded state funding for services for battered women as the only available political approaches to the problem.

This shift is largely a product of how domestic violence advocates have chosen to engage the state and is not unique to the battered women's movement. Thus, I would like to use the example of the U.S. battered women's movement to reflect on questions that have plagued many contemporary social movements. What kinds of identities are we forced to adopt and police when we engage in state-centered politics? What acts of passing are required to gain state protection? What are the problems and pitfalls of passing (strategic or not) as a kind of politics? And, finally, what passes as politics in an era when incarceration and/or normalization are increasingly represented as the only solutions to social problems?

The shifting emphasis toward rehabilitation and criminalization within the battered women's movement is clearly evidence of state co-optation. However, the point I want to emphasize is the way that the seeds for state co-optation can be found within the way the movement itself conceptualized the problem of domestic violence and defined abused women as innocent victims of a crime. A number of critics have pointed out that the battered women's movement's exclusive focus on gender in isolation from other categories of difference necessarily marginalized the experiences of women of color, immigrant women, lesbians, working-class women, and transgender individuals.[2] The very premise of the movement, that domestic violence is symptomatic of universal gender oppression, excluded a more complex analysis of how domestic violence is shaped by structures such as race, class, citizenship, and sexuality. The effect of this was to universalize the particular experiences of the relatively privileged white upper- and middle-class women who dominated the second-wave feminist movement. As such, the movement focused almost exclusively on violence within the home, advocated for greater state protection of women within their homes, and failed to make connections between interpersonal violence and state violence. The centering of a particular group of privileged women's experiences of violence structured feminist practices ranging from public awareness campaigns to the development of shelters and services for abused women to the increasing emphasis on criminalization and the forging of alliances with the criminal justice system in efforts to stop domestic violence.

Domestic violence advocates' failure to consider the intersectional experiences of all women, but particularly women of color, led them to adopt public awareness campaigns and strategies that centered the concerns of white middle-class women. Kimberlé Crenshaw notes the ways that appeals to universalism—the often stressed point that domestic violence cuts across racial, ethnic, class, religious, and educational lines—in fact served the particular interests of white women. These efforts, which were designed to counter the prevailing idea that battering was something that happened in the poor, less educated, socially

backward households of people of color, implicitly made the argument that domestic violence should matter because it does happen in white, affluent communities. Rather than take seriously the specific concerns of women of color, the battered women's movement opted for political strategies that in fact distanced themselves from women of color and constituted the experiences of a relatively privileged group of women as universal.[3] Similarly, scholar-activist Beth Richie argues that the "every-woman" approach adopted by the battered women's movement served to marginalize less privileged women. As Richie argues, "when the national dialogue on violence against women became legitimized and institutionalized, the notion that 'It could happen to anyone' meant that 'It could happen to those in power.'"[4]

As a consequence of these strategies, the battered women's movement succeeded in making the effects of domestic violence more visible when it happened to women who were white, affluent, straight, and, above all, sympathetic victims. However, this success came at the expense of women who did not fit this image of the deserving victim. In making violence against some women visible, the battered women's movement reproduced the invisibility of violence against women who were seen as undeserving. Not only were these women constructed in the discourse as unworthy of help, but because their experiences did not conform to feminists' universal model of domestic violence, their victimization was most often not understood as a result of gender violence at all.[5]

In conjunction with increasing public awareness of domestic violence as a problem, locally based domestic violence shelters began to seek and receive funding from external sources, particularly the federal government. While external funding guaranteed the longevity of organizations and contributed to the continued growth of these organizations, this guarantee was accompanied by a shift away from the initial focus on violence against women as a political issue and toward professionalized service provision for victims. As the small-scale original shelters grew into the large-scale nonprofit organizations that dominate the battered women's movement today, grassroots organizing was increasingly replaced by professionalized social work. This increased focus on individualized treatment for victims of violence resulted in the marginalization of earlier efforts to treat domestic violence as a political problem and in the institution of hierarchical relationships between paid professional service providers and battered women.[6] As Elizabeth Schneider notes, under the service provision model, domestic violence organizations came to "perceive battered women as 'clients,' not 'sisters'—as persons to be helped, not participants in a larger struggle."[7]

Professionalization within the battered women's movement, combined with the tendency to universalize the experiences of relatively privileged victims, has contributed to the construction of an "ideal type" victim who the shelter is imagined to serve. For example, in her study of shelter workers' perceptions of battered lesbians, Michelle VanNatta found preconceived ideas of who is "a real battered woman" often made it difficult for victims who did not conform to this ideal type to access services and affected how these women experienced services that they were able to access. VanNatta found that shelter workers "often see a battered woman as someone with a particular set of traits." These traits include low self-esteem, passivity, visible suffering, feeling a commonality with other battered women, and a desire to participate in shelter

rehabilitation programs designed to "help." While the first three traits in this list work to exclude women who fight back and women who don't conform to prevailing white middle-class norms of femininity, the last two traits exclude women who may feel marginalized by shelter workers or other women in the shelter because of their sexual orientation, race, class, immigration status, language, et cetera.[8]

For example, VanNatta found that a primary concern for shelter workers during intake was to distinguish between battered women who often become homeless because of the abuse, and "nonbattered homeless women." In making this distinction, shelter workers implicitly make judgments about who deserves safe housing and operate under the assumption that domestic violence is clearly separable from other social problems. The exclusion of homeless women who were not battered first is often justified by the claim that domestic violence shelters are designed to help specific kinds of victims and that "nonbattered homeless women" are simply using the shelter for housing rather than rehabilitation. As VanNatta notes:

> *Many shelter workers stressed that domestic violence shelters are different from homeless shelters in the programming they provide, particularly the forms of counseling targeted to survivors of violence. Because "real" battered women are constructed as women in pain who would want to seek help and support from staff, as well as to connect with other residents with whom they are assumed to have many common experiences, women who do not actively participate in these programs may come under workers' suspicions.*[9]

The idea that domestic violence shelters are fundamentally different from other shelters reproduces and reinforces the ideal type victim. The demand that "real battered women" must not only desire to be helped, but must desire to be helped in the way that the shelter sees fit, demonstrates the normalizing practices performed by domestic violence shelters. Increasingly, the goals of shelters have moved beyond providing safety for battered women and toward reintegrating battered women back into society through programs like job training and life skills classes. Organizations that once sought to change a society that fostered violence against women now focus on changing women instead.

Although it is undeniable that shelters have saved many individual women's lives, it is important to note that one of the reasons that shelters have gained legitimacy and support in recent years is because, as Annanya Bhattacharjee points out, "they do not threaten important principles of straight bourgeois society: individualism, ideas of privacy, reluctance in naming the oppressor, a belief in the legal system, and a desire for feel-good benevolence."[10] With the shift toward professionalized social work approaches, domestic violence shelters increasingly focus on rehabilitating victims and helping them reintegrate into society as good citizens and workers. These nongovernmental organizations increasingly perform normalizing functions of the state and decreasingly take antagonistic stances toward state and/or structural patriarchy. In particular, the centering of experiences of more privileged women made the specific concerns of women of color and low-income women marginal to the movement. The professionalization of battered women's services positioned battered

women's advocates in a hierarchical relationship to their clients and increasingly privatized and depoliticized analysis of domestic violence as a public and political problem.

In addition to rehabilitation, efforts to criminalize domestic violence have become increasingly central to the movement. While the idea that domestic violence should be treated as a crime was one of the early principles that defined the battered women's movement, this idea also sat alongside ideas about empowering women and undoing structural patriarchy. However, because of hostility toward social programs and women's rights during the Reagan administration, battered women's advocates found it increasingly necessary to align themselves with the administration's emphasis on controlling violent crime, in order to maintain government support. As a result, during the 1980s, law enforcement perspectives came to dominate the battered women's movement. More resources were directed toward research and policy efforts that treated domestic violence as a crime, and national and local battered women's organizations alike came to support mandatory arrest policies and the development of collaborative efforts with police.[11]

This increasing emphasis on criminalization redefined domestic violence as an individual crime rather than as a symptom of patriarchal structures. Not only did this redefinition marginalize earlier efforts to treat domestic violence as a political problem, it relied upon the idea that perpetrators were simply criminals and women innocent victims in need of protection from the criminal justice system. This monolithic representation of domestic violence erased the complexity of people's experiences and institutionalized the "ideal case" of domestic violence within the legal system. The effect of this was to further marginalize women who experienced the criminal justice system as an oppressive force in their lives. As Beth Richie notes, looking back on the trajectory of the battered women's movement, "[b]y likening [violence against women] to other forms of assault . . . what we did was categorically exclude women who were involved in illegal activity from the services they need as battered women."[12]

Building on Richie's argument, I would emphasize that it is important to think critically about the category "women involved in illegal activity" in its broadest possible sense. "Illegal activity" includes a whole array of activities ranging from undocumented migration to illegal substance use to sex work to fighting back against your abuser. In addition, because of the racialized-gendered discourses through which we imagine criminality (i.e., the Latina face painted on undocumented immigration or the black face painted on the "welfare queen"), women of color are often seen as always already breaking the law, regardless of what they do. The emphasis on criminalizing violence against women depends heavily not just on the idea that perpetrators are criminals, but also on the idea that women are innocent victims—a woman's innocence becomes the basis for her right to safety. Women who are not seen as innocent by virtue of their race, immigration status, addiction, welfare receipt, etc., are categorically denied protection from the state and the movement. In many cases, the emphasis on criminalization has done these women more harm than good.

The increasing emphasis on criminalization within the movement also facilitated the incorporation of feminist demands within the hegemonic discourse of maintaining law and order and the state-building projects associated with that discourse. The consequences of this

crime-control model for people of color in the U.S. have been well documented. Increasing incarceration rates of blacks in the U.S. and the shift toward treating immigration policy as a crime-control issue are two of the most notable effects. In using the paradigm of crime control to advance their cause, the battered women's movement aligned itself with the apparatuses of state violence. The relative success of the battered women's movement in engaging state institutions has depended upon abandoning the principle that all people, regardless of what they do and who they are, ought to have safe housing, freedom from violence, meaningful relationships with other people, and community support.

Efforts to challenge the emphasis on rehabilitation and criminalization within the battered women's movement are often met with deep hostility. Even when the limitations of these approaches are acknowledged, the approaches are often defended either on the grounds that they still help "real" victims of "real" crimes or on the grounds that they reflect the compromises necessary for gaining state and public support. These responses reflect the way that, in order to pass as politically successful, social movements often feel compelled to adopt the language and goals of the state, a phenomenon that is particularly disturbing in an era when the state increasingly defines "fixing" individual behavior or putting people in prison as the only solutions to social problems. Undoing the requirement to pass as innocent means more than attempting to build an inclusive battered women's movement. Rather, it means that we must also challenge the belief that state recognition constitutes the measure of success for a movement and the requirement that our demands pass as palatable to state interests.