

**The Scholar and The Feminist XIX
Women as Change Makers:
Building and Using Political Power
Saturday, April 24, 1993**

Afternoon Panel:

12. Strategies for Fighting Violence Against Women

Prof. Lynn Chancer, Barnard College: This is a panel on strategies dealing with violence against women. My name is Lynn Chancer and I am in the Department of Sociology at Barnard College. I'll be chairing the panel and also speaking on it. We're going to have 4 speakers this afternoon and I'll take a few moments to introduce us all in the order in which we'll be speaking.

Our first speaker is going to be Sujata Warriar who is the coordinator of the New York City Coalition of Battered Women's Advocates. She has a Ph.D. in Geography from the Maxwell School at Syracuse University and has taught about issues of violence against women for 9 years, including at Rutgers, Syracuse, and Barnard.

Our second speaker is Martha Raimon who is a senior staff attorney and has worked in the family law unit of Brooklyn Legal Services for the past 3 years. She is a board member of the Coalition of Battered Women's Advocates.

To my left is Helen Neuborne who has been the executive director of NOW Legal Defense and Education Fund since 1989. Prior to that position she was deputy director for Human Services in the New York City Mayor's Office of Operations and has also worked with the New York City Office of the Criminal Justice Coordinator and Legal Aid Society Juvenile Rights Division.

We're going to start out with a general presentation from Sujata; then go into some more specifics with Martha who will talk about legislative measures. I'm going to talk about some research I've been doing and then Helen's going to wrap it up with a sort of more general overview and then we'll hopefully have plenty of time to have some discussion and questions for all of you.

Sujata Warriar, Coalition for Battered Women's Advocates: I'm not going to present on individual strategies and individual women, rather more general strategies and the failure of some of these strategies and what we need to do in order to end the violence against women in this society.

Violence against women, as you all know, is a global issue; there are differences across country, culture, and society, but there are also commonalities. Location, culture, ethnicity, time, all of that intersect to give light to particular forms and patterns of

violence against women. Violence against women broadly defined which battering, rape, sexual assault, and other problems of violence, both institutional and economic, that prevent women from achieving self-determination. It's also critical to remember that a number of various other forms of oppression also intersect. If we have to address the issue of violence against women, we have to also look at the way racism, classism, ethnically motivated bias and heterosexism intersect with sexism to produce different forms. We need to differentiate strategies on a number of different levels: That of an individual level, that of a program, that of the city, state, federal, and then if you want to look at it, local.

Right now the critical issue is that you have people working at different levels, but there's no interaction between these levels. The individuals who are working with women to empower them...there's enough programs that are working with women. There are those individuals who are working in the city, state, federal level to change policy and often they work in different settings without communicating between each other. So that the net result is that a particular strategy or a particular policy doesn't really work as a result of the lack of communication between these various levels.

Now let's look at each of these levels. You have the individual level where we're talking about empowering individual women. Different programs have come with strategies to work with these women. There is culturally sensitive counselling designed to help women feel as though they are in charge enough to make decisions regarding their own lives. These programs exist, but often because of the lack of resources and the way funding is structured, these programs don't benefit from other kinds of policies and that makes it difficult for the programs to succeed. For example, in New York State battered women's programs are tied to public assistance: If you're not eligible for public assistance and/or you cannot access public assistance because you are an immigrant woman and are afraid to jeopardize your immigrant status, these programs are not going to open their doors to you. This means that the few programs we have are accessible to only a small group of women. And clearly these are policies that have been put in place by city and state agencies that are not working for women's interests.

Basically there are those people who work with battered women on the individual level, those that work administering the programs, and those that work at the policy-making level. In order to be effective and to meet the needs of the women who need help, they must all be in constant contact so that the affects of certain policies on individual diverse women can be assessed and improved. Different policies affect different women very differently. You can't overlook that.

Look at housing policy in New York City, for example, to see how the bureaucracy prevents women from getting the services that they need. Certain women can get housing, while others who want and need public housing and can't get it because they are not eligible. So we're stuck being unable to advocate for battered women to just get up and leave the abusive situation. Leave the situation to go to what? There is not enough housing, not even close. There are very few shelter beds. There are only 864

shelter beds in New York City, and in 1992, 911 received 250,000 calls from battered women. So where do you have women going? So it's really important that when we look at strategies we have to differentiate between levels and between the different groups of women. So that what strategy will work for one level will not work at another level.

If you're talking in *** city, you cannot go and have a demonstration. It needs to think, through many meetings over and over again what...reiterating the same point. And working as a pressure group asking the city to change that. You're not going to work as a pressure group with battered women because we're trying to gain power. That kind of pressure will not work because the battered woman is the only person who knows what her situation is. We might have an understanding of the cycle of violence and power in controlling all of that, but only she can assess what her situation is. All we can do is to make options available for her, but then she has to make that choice. You cannot give city and federal agencies that kind of choice because you know the net result of that kind of a choice. So clearly that's a difference. And when push comes to shove you have tried to work with city, it doesn't work and then, of course, you have to look at other means, legal means. *** a lawsuit and that's what you need to file. Which also means that those advocates and those working at that level need to come together. Also it means that different groups need to come together to push and put pressure on the state and federal agencies to make policy changes.

And I'll give you an example of what the Coalition did and why the Coalition sort of came into existence and then I'll come back to the topic. Clearly there were smaller, community-based programs working to unviolence the lives of women from those communities and the constant pressure from the city, which was affecting the way these programs were functioning, came to such a point that any time the program wanted change [it had to clear it with the city] because they're controlling the money. It would take some action. However, coming together as a group and then putting pressure has very different repercussions because it is not an individual program or an individual; it's a large group.

The Human Resources Administration of New York City which then administers all the social programs took away from the *** which is very critical for battered women trying to re-make their lives because if you want to leave a situation you need a place to go. They took away permanent housing and made it into an extremely large shelter of 150 beds. Now, think about that. You have a 150 bed shelter located, for example, across the street. You have 150 battered women, all you need is one batterer to find out and risk everybody's life. And clearly when we tried to put pressure on the city, the city wouldn't listen. But the fact that not just battered women's groups but housing coalitions, housing groups that were affected by the loss of permanent *** all came together and filed a law suit. And that law suit was a stop to the city...they were going to reconvert it back to permanent housing.

Th reason I made that [point] is that here are very disparate groups often at odds with

each other, the Borough President's office, battered women's advocates, housing advocates, often at odds, were able to come together for one issue. Often you hear in women's movements, "Well, you can't really talk ***." But oftentimes there are issues where you can come together and often coming together puts a very different kind of pressure on city agencies because they realize that, you know, if you're one group or one individual or one program you can be sidelined and you can be marginalized, but often that the margins are also *** places of power if you can ***. So clearly it's important to come together as groups.

That also means that it's very important to share information. What often happens in many programs and among advocates is that if I have some information there's a tendency to hold on to information because clearly there's self-interest in holding on to information. But it's very critical for programs who are often at the edge to have information that affects not only the way they function, but also the lives of the women that they're working with. It's very important that all levels share information. And have really an all-inclusive agenda. That's often easier said than done, but by sharing information you can also bring people together to fight for change.

And I think, since, I mean, I'll really address it to the group here and may be making assumptions, but for those who are students in the University, I think, what often happens is the idea of theorizing and making theories you forget that there is a real room where there are experiences which might not often tell the theory. Often you hear the theory in practise...there's nothing inherent in either theory or practise that makes it difficult for us to come together, but rather I think in institutional structures that impose certain barriers within theory as within practise. It makes it often difficult for the two to come together because you often have people in the academy or institution come out and do research and often forget that there are actually people involved there. There are people involved there, there are people's lives that are at stake. I can get x number of publications out of writing about battered women's experiences too, but there are actually battered women there who have had those experiences. The question often is and a very difficult position because how do you take that research. How do you make accessible to other people who might not be aware yet? Remember that there are people whose experiences who are ***.

So there is nothing inherent in either of them, but also putting the two together is very difficult. Because you have also people who are out on the front line where they work ***. Clearly, the work you do also generates a sense of theory, a certain understanding of why violence occurs in various communities. What are the differences? So it's not that and I think as students I think you can bring about a sort of joint practise, basically.

Another question that also comes up *** is the sort of particular ways in which you can help. It's important that communities take charge of the issue of violence against women. You can use the legal system, you can use other institutions, you can use the police, but you have to remember they're all rooted in the social system. In a system that is sexist, in a system that is racist, in a system that is classist, you can't expect the

legal system to be any different. So that if you start from that premise then you can work to change some of that, but if you're going to assume that somehow *** neutral judge *** it's not going to work. And I think there are a few who would answer to that.

In working with communities and especially small communities and communities of color it's very important that communities take charge of those issues. The community has...you have to come to the understanding that to that community violence against women has to be ***. The legal system, the police are all stop-gap measures. They are not the answer. As much as women are part of a community, if you continue to inhabit the community you have to be part of the community. When we ask women to leave, "Why don't you just pack up and leave? Why are you staying in this situation?" That's often the question we ask them. We never ask them why are the men committing the violence because if you turn it on its head, I mean, the answers are disparate, but if you keep asking them she's staying... That is also her community and we're asking her to pack up and leave and move out, breaking all her ties. And for communities of color, minority communities, and immigrant communities, it's a very difficult issue. You are giving up many of the comforts, many of your family structures, to come to a new country to start a new life and then you're faced with a very difficult situation of violence. You can't just ask the person to pack up and leave. And go where? To what? We have to come back to the community.

The community has to say that this is unacceptable. When you look at very successful campaigns, for example, cigarette smoking. [It has become] fairly unacceptable; people have to stand outside and smoke and clearly that didn't come about because of a law suit. The old campaign against drunk driving didn't come up because there was a [large] law suit, different law suits, yes, but it came up because there was campaign to educate the community that this is unacceptable. Similarly, we have to campaign and educate our communities, the communities we live and work in, to say that violence against women is unacceptable.

And in that context I need to raise two points. In many communities of color -- and I also think in European and American communities -- this idea of shame. It's shameful for a woman to air in public that somehow she has been affected by violence. You can't go to the public. So it takes a lot for a woman to come out and many years of abuse to come out and say that "This has happened to me." *** Now clearly the culture and the society has used the idea of shame to keep women in place and to then put the burden of the moral fabric of that family or that community on her shoulders. Why is it that that same concept has never been used to tell men it's shameful to abuse your wife? And I think oftentimes we tend toward the view that you have with traditional communities; tradition dictates that women and men have traditional roles. And often tradition is used to sort of lay the *** that it's traditions that are ***. Men are considered superior to women across many different cultures, but also there are variations to that. And there are within those traditions that...needless to say that are putting women in *** also ideas that can be used and turned around.

I'll give the example of the South Asian community because I come from a South Asian community. The idea of shame is used constantly to put women in their place. It's shameful if you leave your husband. You're bringing shame on not just your family but on the entire community. I think that that idea can be used in the South Asian community to tell men that it's shameful to do this to your wife. And oftentimes I think in some sense the battered women's movement in this country has lost sight of the cultural grassroots community because of the professionalization of the [area]. It's become social services; we're doing social services by offering services to battered women. And in doing that we've lost touch with the grassroots movements, of, you know, using strategies that we've sort of lost touch with. And I think in saying that we have the answers those of us do work, have all the answers to all women's problems, we cannot, I think, really look at some of the Third World strategies.

If you look at Brazil: Brazil had an entire police women's unit in many different parts that deals with crimes against women. In Nicaragua if you look at the way they treat batterers they have this entire contingent if they have [heard] that a particular man has been violent they'll go there, whistle every time he walks by, and make life really difficult for him socially. They're not asking the police or the courts to come down on him. Similarly in India where you have *** which means that you are unfortunate *** is a total misnomer because *** it is. It is nothing short of battering your wife. There are people who campaign and sit in front of these houses for days on end with banners so that the entire community comes to know that this is one family [they have] ostracized.

And I think those strategies are there. They are used to some extent in this country, but unfortunately the fear of libel is sort of ***. Brown University women's groups used to put up the names of rapists and now they're faced with a libel suit. So that's always the danger here, but I think we have to be creative. But the entire point of my topic is that we cannot be a creative solution, it has to be different creative solutions that are sensitive to the community which we are from. Thank you.

Martha Raimon, Brooklyn Legal Services: As Lynn said, I work at Brooklyn Legal Services and I just want to briefly explain what that is because I'm going to be speaking from the perspective of my clients. Brooklyn Legal Services is part of the larger Legal Services Corporation which was begun in the Johnson Administration. The Legal Services Cooperation was the same thing that Bush and Reagan tried to de-fund and it generally serves clients at 125 percent of the poverty level or under. So most of my clients are on public assistance. And I work -- and there are offices all over the city -- I work in Brooklyn. It's the largest office. We serve almost all of Brooklyn and while the office does a whole host of things from public assistance work to HIV work to some health work, I do family law and it's within that context that the issue of battering comes up. In the Family Law Unit we do something like 300 divorces per year, we handle some custody, some visitation, and also some foster care work. We give priority to battered women in all of those different respects.

So that's where I'm coming from and most of my remarks will be directed from that perspective. And also they will be from the perspective of women and women with children because many of my clients have children, have a family.

The first question I want to pose today as a lawyer is: Is a legal response, meaning a litigation response or a legislative response, an appropriate strategical response to violence against women? And I think the answer sometimes is "yes" and sometimes "no." Some of the remarks that Sujata made...I think it's often appropriate to approach things from a litigation strategy, try to change the law, bring on some class action law suits, and that sort of thing which my office does.

Other times it's better to formulate community responses; to do the kind of advocacy that WAC [Women's Action Coalition] and WHAM! [Women's Health Action Mobilization!] do. I think that lawyers tend to think that law is the appropriate response for everything and it's sort of the thing that if you have a hammer everything tends to look like a nail. So I think that it's really important to keep in mind that all of the things we'll be talking about today are important. So given that, I'm going to talk about some legal strategies that I've been working on and then some legislative strategies and then some non-legal work that I've done with the Coalition and elsewhere.

The litigation strategies first: An order of protection is the primary tool that a battered woman has in this city to get legal help in her struggle to be safe. And unfortunately, we all know the saying, "It's just a piece of paper." I believe that it can be more than that. I believe and I've seen it that if we move to enforce these orders of protection then they can become something more than a piece of paper and I'll tell you why. I mean, it is odd, it is a piece of paper that says, "Here, sir, you've committed a crime. Don't do it again." I mean, that's essentially what an order of protection is. I go into family court all the time and get orders of protection for my clients. (You can get an order of protection in family or criminal, but I'm only talking about family court because that's what I do.) In family court if you return to court on the order of protection a judge has the authority to jail the abuser if it's found by a fair preponderance of the evidence that he has in fact violated the order of protection. That person can go to jail for up to 6 months in family court. That is an important piece of information because it often is that a woman wants time away, time to restructure her life, and does want him to be punished.

But the problem is that women do not come in on violations of order of protection. They usually only get the initial order of protection if that; sometimes they stop at a temporary order of protection and don't come back. And I find that troubling. And I think it's troubling not because they're coming in and saying, "I just didn't want to do it." That would be one thing; that would be their choice. I think it's worse than that; it's a lack of information about what to do with this piece of paper. We need to get the information out there that it's not just a piece of paper, that it can be enforced. We

really need to tell judges -- who often don't jail even though they have the authority to do so -- too. It's very hard to get an abuser actually jailed in family court, but if there were an onslaught of women saying, "I prove my case. I want him jailed." then the judges could be held accountable. If we took some of these cases where they weren't jailed up on appeal, where it was proved that they violated the order of protection twice, three times, four times, and weren't jailed, I think the judges could be held accountable. It's very hard in family court and some of the women judges are even worse than the men, I can tell you. So that's my first litigation strategy; pursue the orders of protection, get the information out there that it does not have to be just a piece of paper.

Now I'll move on to the second piece of litigation strategy I have been working on from my office. You know, when we think of these different strategies I think we need to think very practically about the needs of the women that we're working with and not just about what some politicians need for their next sound byte. This area of domestic violence has become a hot issue for some politicians. You've got Andrew Stein fighting with Ronnie Eldridge and now David Dinkins is going to create a new task force on domestic violence. I mean, they are climbing over themselves to get into this issue. I think we have to be very careful that we use them rather than let them use us.

So we must keep in mind what it is our clients need. I have found from our matrimonial work that many battered women, once they have made the choice to leave, then need divorces. In this state if you're in family court and you're involved in a custody issue and below a certain income, you are entitled to a right to council, you're entitled to a free attorney in family court. Yet, in Supreme Court where all divorces take place, you are not entitled to council, it is not provided for you, even though you've been served with divorce papers, you are basically on your own unless you can afford an attorney. And this is true even when custody may be an issue in that case. So what I have done, been doing, is assisting women who fall within our income guideline with papers, pro save papers, papers by themselves, asking the court to appoint them council in these divorce proceedings because they have the authority, on a discretionary basis, to appoint council. So I have been helping with these pro save papers. The first one that I did was very successful. The woman was appointed council -- and these are cases where custody is an issue -- the woman was appointed council and the judge actually issued a written decision saying that had this case been in family court she would have been given council there, so what's the difference. Let's appoint council here. It was on that basis that he made his ruling. Others have not been so successful and I'm appealing them. And again, the conscious effort is to see how the courts will deal with this onslaught of women asking for council on what is clearly a statutory inconsistency: that in family court they would be appointed council, here in Supreme with the same issues involved they're not being appointed council. And a good many of our matrimonial cases involve somehow victims of domestic violence.

So those are just a couple litigation strategies. I think we need to think creatively about

what our clients really need. And we have a hotline three days a week; women calling up with a need for council. There's a very paltry number of attorneys available to indigent women in New York.

I want to move on to couple legislative strategies that have been discussed in the battered women's community in New York. And the first one is a little controversial. In family court many battered women who have been in an abusive relationship where their children have been abused sexually or physically, they find their children being removed by the Child Welfare Administration, and find themselves in court being charged with neglect. This means that even though the father or the male involved in the family had abused those children and the women had not, they're being charged with what is called "failure to protect," meaning that they had not done what the court feels they should have done to provide a minimum degree of care to the children.

A recent example of this is the Corsentino case where a woman had been involved in a very long abusive relationship, involving many hospital stays, she had been beaten up very severely, and it turned out that the father of her children had also been sexually abusing her children without her knowledge. He was brought up on abuse charges. She was brought up on charges of abuse or, observing the alternative, failure to protect her children. This involved instances where he was taking lewd pictures of them and sexually abusing them. So that's what the mother was charged with. The attorney in that case, the attorney for the mother, presented a faulty defense. His defense was as follows: This was a battered woman. She had this learned helplessness. He presented two expert witnesses saying that in fact she fit the definition of battered woman, she was a battered woman because of x, y, and z, and therefore the charges against her should be dismissed. The problem with this defense is that the law defines neglect as a failure to provide adequate or a minimum degree of care to her children. So this defense basically set her up. I mean, the neglect definition is just that and it's a strict liability statute, meaning that by asserting that defense he basically set her up for a finding of neglect. So not unexpectedly the court found that as a battered woman the mother had lost the ability to protect herself and therefore her children. So the very defense that the mother's attorneys raised on that case and in any other case like it, if you present a battered woman's defense, left her open to be found guilty of neglect.

So what can we do about that to protect the women? We have discussed the possibility of some legislative work to change the definition of neglect to exclude battered women in this type of situation. That's one legislative strategy that people are working on because it affects a lot of women. A lot of women in abusive relationships find themselves -- particularly poor women, and I should preface all this by saying that family court is essentially the poor person's court and especially the poor woman's court. The litigants there are disproportionately of color and poor -- threatened with the loss of custody.

The second legislative tactic that has been discussed and actually proposed as a bill is to have battering or spousal abuse be taken into account in all custody determinations. In

other words, it's right in the statute that battering should be one factor that the judge looks at in determining who is the more fit parent. In California that's required and the court, when considering supervised visitation, has to take into account if one person has an order of protection in that relationship, the other person automatically by law will have to have supervised visitation. In Louisiana there's a presumption that no parent with a history of perpetuating violence can obtain custody and that presumption can be overcome only if the parent goes into some sort of program. But what I'm saying is they're actually in the statute. New York does not have that. New York's custody statute says nothing about spousal abuse. So as a result unless spousal abuse directly affects the child, meaning the child was sort of involved in the violence him or herself, spousal abuse is not taken into effect in determining custody. And you can imagine the kind of situations that result from that. I mean, there's one really good case, recent case, called *Farcas*, which was heard before Judge Wilk, the same judge who's hearing the *Woody and Mia* case, in which he made spousal abuse a significant factor in his custody determination. In fact, what he said and I'll just quote him here is that: "A party who systematically abuses a spouse, physically and emotionally, is not a fit custodial parent." What super language to be used later in briefs, etc. I mean, it's just not really heard of in New York, unfortunately.

Now there's another side to this. Some argue that if you're going to include battering then you've got to include 38 other things like alcohol and drug abuse. How can we just include battering and not all the other factors that should be considered? I think that's a persuasive argument. I don't think it's a crazy or outlandish argument. I think we have to look at it and see how a statute like this works in other states. Why does it work in other states if in fact it does work in other states?

And just briefly, some non-litigative strategies: The Coalition and others in the battered women's community here in New York feel very strongly that there need to be more programs for battered women and specifically in supervised visitation areas. In many, many domestic violence situations where children are involved, the woman is not safe when she must encounter the father as part of a visitation arrangement, and many visitation arrangements are made as a part of orders of protection. I mean, it's a set up for the woman, really, to encounter her batterer. Even if there's been an exclusion order, meaning he can't come in the house, she has to bring him to the visitation area, or he comes and gets the child and it's a real problem. And there are only one or two, literally one or two, supervised visitation programs in New York City. This is something that battered women in New York very, very desperately need. The Coalition and other organizations have been advocating for it.

And I also really want to say just one word about judicial accountability. I think there's a serious problem in New York City with some of the family court judges who don't understand the problem of domestic violence, and are not interested in understanding it, and refuse to come to trainings about it. I think that we have to somehow get involved in judicial selection; family court judges are selected and appointed, not elected. And somehow we have to get involved in the appointment of

those judges and ask them questions about domestic violence. Do they understand, really, the issue? Or are they going to stand up in front of a courtroom and say to a battered woman, "You just want this sort of protection to get leverage in your divorce action." Which I hear. And it's not a tenable situation and I have to say in many cases those judges are women, not men. I mean, it is not an answer to just say, "Let's get more women on the bench," because it goes across gender lines. Okay.

Chancer: At the risk of sounding hopelessly academic, when you teach for too long, you start worrying that every time you talk you're going to sound like you're in a classroom. Today I'm going to talk about some of my own research, particularly with regard to issues of rape. And I'll concentrate a little more specifically on rape, but using some research I've been doing on rape I'll touch on certain patterns that come up in a number of types of violence against women.

The research I'm doing is on the highly publicized cases, which include one case of sexual harassment, the Anita Hill/Clarence Thomas case. In all American highly publicized cases, there's some sort of gender assault in all of them, but I'm also doing a number of rape cases, including the William Kennedy Smith case, the Michael Tyson case, and the Central Park jogger case. I had done some work on the New Bedford case which was the basis of the movie *The Accused*, and my study will be going up to the Glen Ridge case, which was talked about this morning. I brought one of the today's newspapers about the verdict and I think feminists have a very good reason to be upset about it. I'm focusing on those cases for several reasons. On one level I want to say that they're unrepresentative because the high level of publicity is not what happens in the overwhelming majority of cases. On the other hand, and part of the reason I'm doing this research, they have started to have a great deal of symbolic significance and are seen in fact as tests in affecting how we feel about what is happening in our society. What happened in the Anita Hill/Clarence Thomas case is very symbolic, and it is seen as setting the standard for how easy or difficult it will be for women to bring sexual harassment cases. And similarly, why do feminist groups monitor Glen Ridge? What's happening in the Central Park case? So one of the themes of this research is that there's some symbolic significance above and beyond; that these cases become sort of displaced forms of politics and particularly politics that have to do with gender, class, and race issues simultaneously.

Let me start again by concentrating mostly on rape and talk about the fact, again, that rape -- as many of you in this room probably already know -- is thought by criminal justice officials to be perhaps one of the most, if not the most, under-reported crime. General statistics that have been culled from a variety of sources, including Diana Russell, Coss, Woodruff and Roth, and some FBI data indicate that a woman is raped every 3 minutes in the U.S. Of American women alive today one figure says that 25 million either have been or will be raped at least once in their lifetime. Diana Russell reported from a study she did of women in California that a small girl right now has a one out of 9 chance of being the victim of rape sometime in her life. With regard to the situation of women on college campuses -- just to bring it less academic and more

to home -- rape is the most prevalent serious crime committed on college campuses. According to victimization surveys one of 4 college women have been attacked by would-be rapists, that is, have survived attempted rape, one in 7 raped, about 4 out of 5 victims know their attackers. So we're talking about very, very common victimization, self-reporting studies talking about the commonality of date-rape situations in particular and yet at the same time and I think very disturbingly -- and something that we should talk about in the discussion period -- less than 5 percent of college women report incidences of rape to the police while more than half tell no one of their rape. So we have statistics on the one hand that talk about the tremendous commonality of rape, we also know that somehow the statistics released under the Campus Right to Know, a 1990 federal law which requires universities and schools to report any sort of violence on campus, indicate very low instance of reported rape.

I think we should be very disturbed about on the one hand these commonality statistics and on the other hand the low numbers reported, which leads to feeling that the degree of fear and intimidation that still exists for women as a whole in this society has to be enormous. I made myself a note as I was listening to Martha Raimon, who I think correctly talked about lack of information, but there's also this enormous sense of fear, and there's this enormous sense of intimidation that I think we have to take very seriously and begin to think what in the world we should do about that. How do we change the larger cultural condition? This morning's plenary session was about the future of feminism, to me this sub-topic really relates to the situation of feminism as a whole because I think unless we change the entire context in which gender relationships take place, a situation of fear and intimidation which unites the particularities of battering, of rape, of harassment, feminism can not advance. These things take place in a larger social context where a sense of fear is still pervasive.

Then we have to ask the question, "Why is rape so infrequently reported?" I want to focus on what general lessons can be learned about why this is the case. What happens to make women feel so intimidated by whether some sort of reprisal will be forthcoming if they prosecute their attacker? What can we do to become aware about how the prosecution of rape, like with many other forms of violence against women, often becomes the occasion for a second assault against women? What's been called a second assault, not only the crime itself -- how awful it is that you've been attacked -- but also a second assault, what happens when you in fact bring charges. And it's the fear of that second victimization, the second assault, which I think goes far toward explaining the discrepancies between the commonality of the crime and how often it is in fact reported.

Let me start with a few overall theories about why rape exists in our society, and then go into some specific results of my research of the cases.

There are two very common overall theories about why rape exists in our society, particularly American society. One can be found in Susan Brownmiller's book Against Our Will. In it, Brownmiller talks about rape as a form of social control that exerts an

intimidating influence on all women whether or not a particular woman has herself been the victim of an attack or an attempted attack. So that rape here...the gender element here becomes primary in Brownmiller's interpretation that she sees rape as a form of social control that has the intention of controlling, at having some intimidating effect on the freedom and ability of all women to exert our human agency.

A second theory came out of the work of two criminologists. Julie and Herman Schwendinger wrote a book called Rape and Inequality, in which they talked about rape as a form of displaced aggression. For the Schwendingers gender was not the primary reason behind rape, but that when in fact men experience other forms of social discrimination like race subordination and class subordination, that a sense of alienation culled from those other forms of alienation might then affect how likely it is that rape would occur. In this analysis gender becomes secondary.

Now there's been much debate about the Schwendinger type of hypothesis because what we know is that rape exists across class and across race; it's not at all specific to any one group of men in society. Nonetheless, I think that the point about different race and class backgrounds, which has mostly been used to talk about why men commit rape is also very important in terms of women's situations with regard to prosecuting rape and other forms of sexual violence. The Schwendingers' eagerness to take not only gender, but race and class into account is very important when we ask the question how and why is it so difficult for women to bring charges.

This brings me to my work with the highly publicized cases. One very high level New York City Police Department official who I interviewed about the Central Park jogger case said to me, basically admitted, that if it had been, and I quote, "a Black prostitute" who had been raped in Central Park, "there wouldn't have been any coverage." Of course there wouldn't have been the same kind of response as there was when the media started talking right away about the fact that the Central Park jogger was -- and this was the only part of her identity that did come out very quickly -- an investment banker at Solomon Brothers. And this guy said to me, "If this had happened to you, a university professor..." So you know, it's not only class position, but, also your societal status. And, by implication, if you are poor, if you are working class, if you were a minority, then the attention will not be paid.

Kimberley Crenshaw, in her article in book edited by Toni Morrison about Anita Hill, also points out that the Anita Hill sexual harassment case presents our society with a dilemma : in our society, we often refer to women *and* minorities. Right? We see them as two separate categories. But if a person experiences both those types of social subordination simultaneously, how much more difficult it is for that person to bring charges because of the double history, the double disbelievability, the double impugning of that person's credibility. The New York City police official I was telling you about confirms that it's very hard for a woman of color to bring any sort of charges.

I want to move into what kinds of situations, in fact, make it difficult for women to bring charges and in what sort of situations women tend to be blamed for their own victimization. There's something called attribution theory, that many of you may know about; it's an effort to discover whether people hold the victim or the perpetrator responsible for a crime that has been committed. One way to do this is by asking, "Under what conditions do you tend to hold victims responsible for their own victimization?" This has been done in rape cases, as well as in battery and other personal violence cases. With rape there are 5 classic findings of attribution theory which I'll mention to you and then go on to some additional ones that came out of my research because I found the attribution theory unfortunately to be remarkably true when I applied it to cases I'm studying.

The first one is that a woman tends to be blamed for her own victimization in rape cases if the attack should take place in a bar-type situation or where alcohol is present. Some of you may know of Peggy Sanders who has written about gang rapes in fraternities where the fact that a woman had been inebriated is often used against her.

Women are often held more responsible for their own victimization if the attack took place in one's own neighborhood, and/or by someone with whom one was acquainted. Ask me during the question period why that is. If you know the person and if it happens close to where you live, then somehow there's this kind of social bias that you must have brought it on yourself. Somehow that implies that it's less likely that a rape actually occurred and more likely that the woman somehow provoked it or consented.

And then lastly, but not leastly, is that people blame the victim, the woman, when there is any evidence of "non-traditional behavior" -- hear the words -- or a "previous bad reputation" -- which is a sexist notion -- on the part of the victim. Did any of you see the movie *The Accused* which was based on the New Bedford case I'm studying? There was an effort to show the Jodie Foster character in traditional sexist gender terms as someone who was acting "provocatively." That movie tried to say that a rape did decidedly occur there even though she had been drinking. Because people assume that the way a woman is dressed and her reputation -- Why don't we ever refer to a man's "reputation" -- can indicate that she was engaged in untraditional gender behavior. In the actual New Bedford case the woman had left her children at home and gone out to get cigarettes and have a drink. So it was later used against her. What was she doing? Why did she leave her children at home? Talk about "bad mothering," you know, the "bad mother" sort of excuse.

So all those conditions seem to increase the likelihood that women are blamed for being raped. Now what I have been finding on the highly publicized cases that I have been dealing with is that there is some additional attribution theories that have not been studied but need to be taken into account. It's true that a victim's background is still very much brought into play. Whether it's Anita Hill -- I noticed Anna Quindlen is talking at 4:30. Anna Quindlen wrote a wonderful article about Anita Hill as a perfect victim. Right? There was every effort to find some way of discrediting Anita Hill by

looking into her background, but all they could was that she might have had erotomania. They couldn't find anything else! -- or Patty Bowman who brought charges against William Kennedy Smith. All sorts of things about her sexual background were used to discredit her claim that she had been raped. In the Tyson case, Desiree Washington was initially portrayed as a woman who was on her way to college, who was in a beauty pageant, (which goes along with a sort of American dream theme) who was middle class -- a very important aspect of her persona -- and in fact not much in her background was used against her.

My research indicates that attribution theory about background is accurate. What it doesn't often take into account is that a women's background is often compared with the man's in highly publicized cases. Class and race factors were very much used against the Central Park defendants, for example, whose backgrounds stood in stark contrast to the jogger's. William Kennedy Smith, for example, was seen in comparison to Patricia Bowman. "Here's a fine young man," people told me. People were outside the courtroom saying, "Well, Willie's such a nice guy. How could he possibly do this?" Patty Bowman had left her kids at home -- right? -- and people said she was a "party girl." And she wasn't working, rather she was being supported so even though she was well-to-do, she was seen as shiftless. In the Tyson case there was also a decided comparison between the way Tyson was viewed not only in comparison to Desiree Washington, but also to William Kennedy Smith. Desiree Washington was seen as a middle class woman who was a beauty queen. Whereas Tyson's -- I did a survey about this -- boxing profession was seen as lending itself to aggressive behavior. He was also a street kid, a thug, and there were a variety of class and race ways of talking about him that differentiated him from the way in which Desiree Washington was seen.

So there's that kind of comparative aspect that affects how and if women are blamed. There's also an example in a more ordinary case of a young woman who was raped, or she charges she was raped, by someone who was president of his senior class and who was seen as tremendously respectable by comparison to her, and that made it much more difficult to press charges.

There's also the question of a gold-digger phenomenon that's now being used against women. It's quite interesting. To say that women, whether you're talking about the Amy Fisher case where this was brought up and the judge said to Amy Fisher when he sentenced her, "I'm giving you the worst possible sentence because what were you doing getting involved with book contracts and movie contracts, profiting from this case?" Desiree Washington is suffering the same judgement. So there is some going into whether women had other motivations, not necessarily gender-related, for bringing charges, to in fact discredit their motivations. And this is a new thing that, I think, has come up with highly publicized cases in particular.

And lastly there's an issue of whether in fact names of victims and accused rapists should be publicized. I myself am very strongly opposed to it because I think it can be

a second assault on the women involved. The argument on the other side is that it might demystify rape. Right? Because rape is treated differently from other cases, but my own feeling is that in an environment where women are already so fearful and subjected to secondary assaults it's especially important that this not be imposed on them as part of second victimization. On the question of using names, it seems to me very important to publicize, to write about, to discuss from a feminist perspective the fact that all of the above elements conspire to create a cultural environment in which women are still afraid.

Also, I think feminist monitoring of rape cases, particularly highly publicized and symbolic ones -- which has already started to happen -- needs to continue I think because if protests occur as they did in the Glen Ridge case it will begin to have an effect on that public environment. In the William Kennedy Smith case there was no feminist presence despite the fact that some dreadful things were being said about Patty Bowman. There was practically no feminist presence there at all.

The Tyson case is an interesting case for another reason. Some of you may know that the case has been re-opened and the latest issue of *Penthouse* has a cover story written by Alan Dershowitz, who is Tyson's new lawyer, and the title of the story is "The Rape of Mike Tyson," and it has Mike Tyson's face on the cover, which I think is very problematic from a race and gender point of view, too. Because what's usually on the cover of *Penthouse*? Women's bodies, naked women's bodies, right? There is a way in which this cover attempts to bring together, on a subliminal level, race and gender in defense of Mike Tyson, but to call the article "The Rape of Mike Tyson" is to completely lose the specificity of what really happens to women. So I think the Tyson case also raises the question of what do you do in a case where race and gender are played off one another and put in competition? How do we find a way of defending a woman's ability to fearlessly bring charges against her attacker without feeding into the kind of racism that was evident in the way Mike Tyson was dealt with by the media in Indianapolis -- which happens to be the home of the Klu Klux Klan. How do we deal with both? And how do we as feminists find a way of monitoring this so that it doesn't get terribly confused in our culture the way the Anita Hill case did? So many of these cases involve both race and gender components; and we don't yet know how to talk about them simultaneously without losing out on one or the other.

To sum up: If indeed rape is a form of social control that affects all women as Brownmiller says, then sexual violence cannot be fully understood except if placed in the larger context of a society in which male dominance continues to be pervasive. Therefore, I think it's critical to realize that there are connections between different forms of sexual violence against women and that we need a feminist movement that's active on a variety of issues. The same sort of victim blaming that I was describing in cases of rape is by no means limited to rape at all. I've noticed similar blaming patterns in battering cases where there might be a sense of looking into the woman's background or her history of neglect, etc. Even in cases of homicide -- remember in the Robert Chambers case that even after she had been murdered Jennifer Levin's

diaries were sought to see if she had been into S & M sex. To look into a woman's sexual history even after she's dead... Certainly there are similar efforts to discredit women in sexual harassment cases like Anita Hill's. So that I think it's important to recall that actions directed against sexual violence have to be placed in that larger context with which I began. For the more we change the overall cultural environment, the more women hopefully do not have to feel the kind of fear and intimidation that leads to a discrepancy between what we now know is the commonality of sexual violence against women and the lack of reporting.

So the good news that comes out of this -- the wonderful news -- is that at least we're talking about this, at least we have Take Back the Night, at least when we talk about the Year of the Woman, we make fun of it, saying it's not enough. That to me is the good news. The simultaneous downside of this is that we have to keep plugging away at it; we have to keep calling attention to the atmosphere of fear, and monitoring the kinds of biases, gender, class, and race, that lead to the perpetuation of that discrepancy. Thank you.

Helen Neuborne, Executive Director, NOW Legal Defense and Education Fund:

I'm Helen Neuborne. I'm Executive Director of the NOW Legal Defense and Education Fund which was started by some of the founders of NOW to be the litigation, legislation, public education arm of NOW. ~~in New York.~~ *that*

It is frustrating for all of us service providers and advocates who have been working on issues of violence against women to know that, even after two decades, what we're seeing is a rise in violence rather than a decline. You already heard some of the statistics about the rate of rape. Another one is ~~just~~ *that* the rate that rape has risen at nearly 4 times the rate of general crime. Assault against young women has risen 50 percent while assault against young men has gone down 12 percent in the last few years. Lynn mentioned that one in 4 women on college campuses are likely to be sexually assaulted, and somewhere between two and 4 million women are battered every year. The numbers are really astounding. When the National ~~Victim's~~ *Victims* Association reported 700,000 rapes a year, an even more astounding statistic was that about 61 percent of the victims were under 18 when they were raped and indeed, 3 out of 10 of the victims were under the age of 11. And, again, as Lynn mentioned, practically 80 percent of women who are assaulted know the rapist, know the person who assaults them. So it isn't -- and I know you all know this -- the person who jumps out of the bushes, it's someone you dated, it's someone you're living with, it's a neighbor, it's a family member. Many women say that the trauma they suffer from assault by an acquaintance is worse than the trauma of an assault by a stranger because in an assault by someone you know, the assault element is compounded by a violation of trust.

Violence against women is at epidemic levels in our society and truly we haven't figured out what to do. The campaign to end violence against women will only end when we think honestly about changing the nation's attitude toward women and the

very act of violence itself. The NOW Legal Defense Fund has been working on this issue for about 20 years, but in the past two or 3 years we have become specifically involved in the Violence Against Women Act, which is legislation that Senator Biden introduced in 1990. It's still in its earliest stages. So, with many other organizations, we have been working very hard to create a piece of legislation that would be useful on a federal level. And in fact there's a task force now of about 500 or 600 groups *and individuals* working on it.

The bill is very broad-based and is designed to cover a lot of issues. It provides funding for rape counselling and treatment, it provides funding so that prosecutors can act in a pro-active way. When you talk about the second assault by the system, when the system mistreats you, it's because prosecutors and police have such notoriously stereotypical attitudes about victims. Because they do not treat the victim properly, women don't want to come forward and, if, heaven forbid, they do, they are ~~truly~~ *often* abused by the people in the system. So there's a lot of funding in this bill to create a pro-active incentive to go out and do it right. It's possible, under this bill, to get funding to create a model program with certain criteria in it. There is also a lot of funding for domestic violence; ~~a lot of funding for domestic violence~~, not only for shelters and care, but again for better prosecution and treatment of women within the system.

of offenders

It provides for funding of rape education and counselling on campuses. Those funds are tied to a reporting requirement -- campuses must report what's actually happening on campus by defining rape as rape rather ~~than~~ *than* ducking it so that people, mostly parents and the press, have no idea of the violence on college campuses. There would also be funding for judicial education. Something the NOW Legal Defense Fund does is train judges to see their own biases. As Martha mentioned, some of the biases are held by women. In fact, a lot of lawyers say that they would rather have men on a jury in a rape case than women because women have a whole denial mechanism built in. ~~It~~ *It* wouldn't have happened if she ~~was~~ *were* nice. I'm nice. I wouldn't be out there. I wouldn't hang out in that place. I wouldn't wear that kind of an outfit." It's self-preservation to say, "It can't happen to me. Rape won't happen to a nice woman. It only happens to a slut." And so you have to project onto this victim everything negative you can possibly think of about her. ~~So~~ *so* we have to understand that those types of stereotypical attitudes are out there. So the funding in this bill for training of judges, both at the state and federal level, is essential.

There will be also an effort to improve the life of battered immigrant women who have a unique situation: These women are not citizens and the men they're living with are beating them. They are trapped ~~because they cannot leave their situation~~ *and* until they develop some status as a citizen, or get a green card. Often they need the batterer to get their green card. So we're trying to revise the law so these women can come into a hearing -- not exactly a court hearing -- and make a statement about the fact that they're being battered, and not have to prove it with all kinds of psychiatric evidence,

but simply state it and show some evidence that it's happening so they won't need the permission of the batterer to regularize their status.

Violence Against Women Act

The bill, and this is what makes it really special, would grant women the right to sue in federal court for compensatory and punitive damages if they are victims of violence based on their gender. It would say that a crime of violence committed against someone because she's a woman violates her Civil Rights. It would ~~work~~^{be} the same way the Civil Rights laws that say if someone assaults you based on your race, religion, or ethnic background. And why not?

you have a right to sue.

There's been a lot of resistance to defining violence against women as a gender based hate crime. Let me give you the history, because it's not new. Several years ago legislation was enacted that required the FBI to identify and define hate crimes, and then to keep records of how many were committed. The proponents of this law would not include gender. They absolutely refused. They said, "Well, we ~~keep~~^{track} assaults and we ~~keep~~^{track} rapes and we keep these numbers." Many women's groups maintained that women were being assaulted and abused on account of their gender but ~~those~~^{the} lawmakers simply wouldn't go along with it. One of the reasons ~~why~~^{we} we think we're struggling with this Civil Rights ~~violation~~^{provision} is that people say, "Oh, that would be absurd because there are so many crimes of violence against women. It would overwhelm the federal courts." Sounds a little bit like doublespeak to me. I mean, if in fact they're acknowledging that the crime is important, why are they denying the remedy? But they're terrified. I mean, we're hearing this from judges for the most part and from conservative groups that won't let us create this Civil Rights remedy because it would overwhelm the federal courts.

Also they say that because violence is most often committed by someone known to the victim, it's not really a hate crime because it's somebody known to the victim. I think it's somehow part of our culture -- we live in a society that gives men permission to hate, and to abuse, and to force women to submit to their will. And I think that one of the reasons why we minimize violence generally in this society is because women's lives are not valued and violence is so commonplace in our world that we're basically numb to it. We really don't want to take a hard look at the institutions and systems that support it and we don't want to acknowledge how widespread it is and how the perpetrators truly live among us and are people that we care about in our daily lives and at every level of society. So I think we really have a total organizing responsibility here as a society to -- and certainly as women -- to say that men don't have permission to rape, and to batter, and to abuse women, and that everyone of us in our society believes that women's lives are as important as men's lives.

Also, violence against women can be seen as sex discrimination. And just, again, using the examples we've talked about. Women going to college risk flunking out just as men do, but when the most frequently cited reason that first-year women leave college is because of acquaintance rape, I believe this is sex discrimination. We know that women who are out at night are at risk of being mugged just as men are, but if

women are also at risk of being mugged and then raped, I believe that it's sexual discrimination. When you live in a ground floor apartment, you risk intruders, but if those intruders come in and not only steal your jewelry but also rape you, that is sex discrimination. And I think that women have a civil right to be free of violence based on their sex and that perpetrators of that violence should be held accountable. We also have the same rights to work late at night in a chemistry lab or on a cleaning crew. We ought to be able to run in the park with our dogs, or play with our kids. We ought to be able to go to a bar or a party and come home with nothing more than a hang-over. We ought to be able to live in a building that isn't a fortress. And we ought to be able to walk out of a relationship without fear for our lives and for our children's lives because it is when you leave your batterer that you are most at risk of being killed or harmed. And I would like to see the day when a woman can go into court to report a crime and is asked what *he* was wearing, not what she was wearing.

A lot of organizations have begun to develop initiatives to prevent violence against women, including education in lower grades and on college campuses, and I think we know that violence doesn't start as adults; attitudes are built over time. That makes sense when you look at sexual harassment, which is really one end of the continuum on which rape and violence is at the other end. We've talked a lot about sexual harassment and what it's all about and one of my best phrases is, "Men don't wake up at 21 and start harassing women in the workplace." This is learned behavior, and they learn it at home, and they learn it in schools. And girls as young as 9 and 10 are writing to our office now and telling us about the sexual harassment that they're suffering. And so men learn very early and very young that they can treat women this way, that they can get away with this kind of behavior, and women learn that boys will be boys and men will be men and they have to put up with it. We really have to stop that and turn it around.

Lynn mentioned some of the specific crimes. Remember another: the St. John's assault of a few years ago. Those guys got off. So maybe the Glen Ridge rapists were convicted, but what kind of a sentence are they really going to get? I heard Linda Fairstein tell a story about a case that happened in New York where a mentally retarded woman had been sodomized, and she had also been victimized when she was younger. The judge, when he started to pronounce sentence, said, "Well, it had happened to her before, so it wasn't really very much of a big deal." And now, of course, we have the Lakewood Spur Posse in California who assault girls and keep score. And these boys *have* been all over the t.v. where they are getting a whole lot of horribly inappropriate ~~credit~~ *attention*.

So we do live in a society where boys will be boys and we have learned that this is the way men are. I believe there's a connection between violence and -- when you think of the St. John's rape, or what goes on in fraternities, or the Mike Tyson case -- sexual prowess in athletics. We teach men in groups to win, we teach them to score -- and that's how they talk about sex. "Did you score last night?" And that's a concept that means somebody wins and somebody loses and ~~it's~~ always the girl. And so we have

The loser is

this in our society, ~~this acceptance~~, and we praise men who achieve and succeed and win at sports, and then don't say to them that they're not allowed to use that same kind of behavior off the playing field.

We have to acknowledge that legislation and litigation aren't going to be perfect and are not going to stop men from hating women, but I do think we can use these tools to stop them from hurting women, ~~because~~ if it becomes costly for men to abuse women, if they're ridiculed rather than cheered, or if their fraternity loses its accreditation because of their violence, or when perhaps it costs them part of their paycheck to pay back the \$5 to \$10 billion a year companies pay for absenteeism and lost productivity on women workers because they are victims either of assault or battering in lives, and when those who are policy leaders realize it will cost them our votes, and the men in our lives understand that it will cost them our love and affection if they don't help us, then maybe our message will be heard. The maybe we'll be moving toward a society that understands that this form of discrimination simply can't continue anymore. Thank you.

Chancer: Okay, we have some time left, happily, for questions.

Q: I have two questions. My first question is to Ms. Neuborne. You said that the reported incidents of violence against women has increased in the last few years or so. Is it that the number of incidents have increased or is it just that the reporting has increased?

Neuborne: I'm sure reporting has increased, and because of that it isn't always easy to know whether the number of incidents has increased, but there is a sense that, yes, both incidents and reporting have increased. In all of these areas, in harassment and discrimination, in violence, just generally, the reporting rated somewhere between 5 and 10 percent. Those numbers are so low; it's just very hard to know where reality is. I would also say that many women tolerate violence and particularly sexual harassment for years because of the guilt that they feel that they somehow brought this on. I mean, if a man is out late at night and he's mugged and he's wearing a camel hair coat and carrying a beautiful leather briefcase, nobody says, "You asked for it. You lured that person out of the shadows to steal your briefcase". Then why, if you're a woman who has been raped, do they say, "Well, it was because you were out late at night or because of the way you dressed?" Women absorb that. ~~I mean,~~ They call it internalized oppression; women feel that sense of guilt. And so there's so much under-reporting, I don't think we can really know.

Q: Could talk a little bit more about what's being done to educate society to try to prevent abuse from happening?

Neuborne: It's just beginning: We're starting to think about curriculum. We're starting public education campaigns. The Family Violence Prevention Fund is creating a domestic violence campaign called There's No Excuse for Domestic Violence. They

will be using advertisements to try to bring the truth about violence home. One of the posters shows with a woman with her face totally battered with a line at the bottom that says, "Atta boy." They are trying to make people realize that violence is in their lives.

Q: My sister is presently in a battered women's shelter. She said that it started out as emotional abuse like yelling, screaming, slamming doors -- she saw it as a power and control thing for her batterer. Does it start that way normally because if it does I think I know someone who needs help, and I don't know how to help her.

Warrier: I'll just draw on the blackboard to demonstrate this. This is a tool that many battered women's advocates use. At the center, here, you have power and control, okay? Now it's like a wheel where in each of these spokes you can put, for example, economic abuse, sexual abuse, physical abuse, emotional abuse -- you can plug many different things into the power center. And one of them is isolation. Throughout all of this in the outer wheel you can have punching, slapping, calling names. Each situation is unique: It can start with emotional abuse and become physical. It can start with physical and the physical violence might stop, but the emotional violence might escalate. This is part of the honeymoon stage, or part of the answer to the question, "Why do women stay with their batterers?" Women believe that things will change. If the abuser can be loving one minute, a woman sees hope for the violence to end. But then something, anything, occurs and he is violent again. The only thing that keeps changing over a long period of time is that this honeymoon part gets shorter and shorter so that the violent episodes escalate and the time between them shrinks. So, to answer your question, yes, it can start with emotional abuse and then lead to serious physical abuse.

Also, the isolation factor is critical because you can gain power and control over a person by isolating her from her family. If a family member or a friend starts to push in and tell the woman what's going on while the woman is in the honeymoon phase, that won't help the situation. In fact that pushes the woman further into the abusive relationship. You have to remember that different women have different schedules for when they're ready to take action. The important thing to remember when working with battered women is each battered woman's situation is different. As outsiders, we cannot make judgements on what is *actually* happening. The thing you can do is to be supportive and let her know what kind of help is available to her, but when she does it and how she does it must be up to her. If you push her to get help before she's ready, you are putting yourself in the same position as the abuser by dictating what she ought to be doing.

Q: Is that common? That isolation from the family?

Warrier: Yes. The abuser would rather not have the family being very supportive of her, and encouraging her to leave. He usually wants more control than that over her.

Neuborne: I want to emphasize that the power/control issue is so important, and really

has to be the dominant theme. Even as women have achieved a certain amount of independence, there may be some backlash, because for men the most important, most basic concept is that they are in control. It is their world, they lay the ground rules. It's never what you wear, or what you say, or whether dinner's cooked, these are all excuses for the power and control issue. And that, I think, is the message if we have to get out there if we are to make a change.

Chancer: Also, to add a sort of feminist theoretical perspective here: There's something very specific about gender subordination that differentiates it from class and race oppression. They are inter-related, but has its own specificity. Gender oppression has the unique fundamental structural feature that women sleep with, have intimate sexual and emotional relations on a one-on-one privatized basis with the person with whom they are in an unequal power relationship. When your batterer says, "I love you," you want to believe that it's true. That "love" makes it tremendously difficult to leave the situation. Also, based on the statistic that we heard earlier, that there are 864 beds available for battered women in this city, even if all the women in abusive relationships wanted to leave, they couldn't. This indicates that we haven't even begun to take this problem seriously. If the problem is isolation we have to deal with it collectively, and we haven't begun to do this.

Q: I know a lot of people would intervene if they heard one of their, say, neighbors being beaten, but so often women go back to their batterers. After a while those neighbors will think, "If we go upstairs and stop it, she'll be right back with him tomorrow." But, what can outsiders, strangers do in a situations like that?

Neuborne: Well, that's part of the theme the Family Violence Prevention Fund has come up with: There is no excuse. There is no excuse not to get involved. Even, "She won't do anything, she'll leave and then she'll come back" is not a valid excuse not to get involved. The truth is the system doesn't work all the way around the circle. I mean, the woman doesn't feel supported by the system, and that's part of why she doesn't leave. She doesn't have a place to go because there aren't enough beds. The criminal justice system blames her. Every piece of the system is armed with an excuse not to help her really leave. They can all say, "She didn't really want to prosecute, therefore she doesn't really want to leave." This terrible cycle involves us all, not just the neighbor; we all have to get involved. We have to address this out in the open as a societal problem. We tend to think, "It's somebody else's family, I don't know the answer, I'm not that smart, I'm not a therapist, I can't help." And I guess the hope in a public education campaign is that everybody will take at least one step forward and try to be a little more supportive and open to helping people, even if each one of us doesn't have the answer.

complete

Chancer: If I could add to that. Part of the problem is that people see domestic violence as a private matter. Even the cops, for example, can say, "I'm not going to get involved with that, that's a private matter." We have to start defining it as a public matter -- that's something that has to be done differently.

Also why do we assume she's got to leave? There is this incredible emphasis on whether she is ready to leave. What about the crime? This person is beating you up. Isn't he the one with the problem? Why do we focus on her rather than on him?

Warrier: I think there's an issue of safety that a person should consider before getting involved, both for the woman and for the outsider. As I said, no two situations are the same. An outsider might not want to get involved because you know this particular abuser has drug lord connections, and you fear what he might do in response to your intervention. So you need to assess it. If you meet the woman at some point you can be supportive and say, "I heard the two of you fighting last night. If ever you need anything, you can come to me, or here's the number of a shelter or a hotline you can call." Maybe if it's the umpteenth time you will make the decision to call the police, but that has to be assessed in the context of your life. And to emphasize what Helen said -- when we all have the support system that we can count on and we can all say that this is criminal things will be easier.

Raimon: I think just providing a woman in that situation with a list of options that she might not know about is very helpful. She can think about them over time. Because she knows best how she can make herself safe, she needs as many choices as possible.

Q: In my experience with battered women, it seems most don't call the police, but rather they go to see their doctors. This could be a great thing, but many doctors don't ask them how that ashtray that caused a black eye hit them. Sometimes a doctor will invite the abuser into the examining room while they are questioning a woman about what has happened to her. Sensitivity to abused women on the part of doctors is really critical. Right now we are pushing for legislation to require that the licensing of doctors be linked to course work on domestic violence or spousal abuse. For doctors and nurses who are already practising it seems essential to have continuing education.

Q: Just a quick follow up. I'm a physician actually and what's real sad is that we are educated on child abuse, but no one ever talks about the abuse of women. And sadly emergency rooms are so overwhelmed that oftentimes I see a woman in the ER who would come in with somatic complaints and obviously there was something more there, but there was no time because there were 50 more people waiting outside and it was three o'clock in the morning.

Neuborne: You are absolutely right, but, you know, it took a long time to get the doctors and ERs to focus on the child abuse and this is really just the next stage. I mean, the AMA is barely beginning to address this, but they are and that's exactly the issue. Ten, 15 years ago we just began to look at child abuse and now every doctor knows about it. We hope the same thing will happen with violence against women.

Raimon: We really, really have to pay attention to it in the new healthcare system that's coming up.

Q: I just had a question about the notion of prosecuting violence against women as a civil crime. A lot of violence is visible, you can see it, but there's a lot of violence that's institutionalized, less visible. I'm wondering whether a poor woman can bring a civil suit when poverty and class issues become a gender issue? And what about the rights of a man raped by another man?

Neuborne: Well, any time you develop something ~~sort of like a civil right like this...~~
First of all, we would not want to create a law that was not gender neutral; we believe it should be gender neutral. If we just see women as a victimized class, we have no way to seek damages for the harm that's been done to them, particularly when the criminal justice system fails as it often does. You just can't know when you create this kind of legislation how creatively people will be able to show that they were victims and I think that ~~we haven't even allowed that to grow. I mean, it's so unfortunate.~~
In the criminal justice system it is rarely relevant, ^{and rarely} it's never asked why this man raped this woman. So we don't even know for sure, although many women's rights advocates say that all rape is gender violence. ^{are raising} The truth is that those kinds of questions have never been asked and we have to really develop a body of law around all of the issues you were saying.

Q: Also, considering that women *** the feminization of poverty has caused disproportionate amount of African American women and women of color to be poor and that poverty is violence against women. And that seeing that, that poverty is a violence against women then can we use a class issue as a civil suit, discrimination against women?

Neuborne: It's very creative.

Chancer: We're out of time. Thank you for being such an exciting group.

Second, on the question of whether all rapes are gender motivated.

It may indeed be applicable to other issues that affect women's lives.