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Reconsidering Domestic Violence Services and Advocacy

LISTENING TO BATTERED WOMEN: A SURVIVOR-CENTERED APPROACH TO ADVOCACY, MENTAL HEALTH AND JUSTICE. By Lisa A. Goodman & Deborah Epstein. Washington, D.C.: American Psychological Association. 2007. Pp. ix, 184. \$59.95.

*Reviewed by Julie Goldscheid**

Lisa A. Goodman and Deborah Epstein's book, *Listening to Battered Women: A Survivor-Centered Approach to Advocacy, Mental Health and Justice* ("*Listening to Battered Women*"), makes an important and powerful contribution to the literature on domestic violence.¹ It addresses the vexing question of why battered women's circumstances have not changed substantially in the last forty years through "a feminist perspective," with an emphasis on "societal responses."² The authors are respected and experienced advocates and academics who bring deep expertise from the mental health and legal professions.³ The text reflects that expertise with its focus on the response of advocates, the mental health system, and the justice system.⁴

The book adds to the literature in a number of important respects. It critiques system responses from the dual perspectives of the legal and mental health professions, two professions

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1. See LISA A GOODMAN & DEBORAH EPSTEIN, *LISTENING TO BATTERED WOMEN: A SURVIVOR-CENTERED APPROACH TO ADVOCACY, MENTAL HEALTH, AND JUSTICE* (2007).

2. *Id.* at 2.

3. Lisa A. Goodman is an associate professor in the Department of Counseling, Developmental, and Educational Psychology at Boston College and coordinator of the Mental Health Counseling MA Program. Deborah Epstein is a professor of law at Georgetown University Law Center, director of the Domestic Violence Clinic, and associate dean for the Clinical Education and Public Interest & Community Service Programs. *Id.* (back cover).

4. See *id.* chs. 2-4.

with which domestic violence survivors often interact but which often address the issue of abuse on parallel, rather than coordinated, tracks.⁵ It traces the ways the advocacy community, mental health, and justice system responses to intimate partner violence have shifted over time and how those systems have grappled with the unintended consequences of well-intentioned reforms.⁶ The text describes the manner in which philosophical debates and shifting approaches translate into policies that affect survivors' day to day experiences with the mental health and justice systems.⁷ *Listening to Battered Women* grounds its analysis in both the feminist roots of the domestic violence movement and the growing social science research literature, thus providing a valuable resource for readers.⁸ Perhaps most critically, it takes stock of the specific responses of these important systems through an explicitly feminist lens, thus documenting the social and political history of the United States' responses to domestic violence as a social movement.⁹ As a text intended to be accessible to laypersons, it does an impressive job of describing nuanced issues from the fields of both psychology and law.¹⁰ With that foundation, it propounds recommendations that chart a progressive future in line with core guiding principles.¹¹

This review first summarizes the issues addressed and arguments discussed in *Listening to Battered Women* and then elaborates on a few of the book's themes, focusing on the advocacy and justice system responses with which this author is most familiar. In particular, this review examines Goodman and Epstein's focus on the social context of abuse.¹² Given that emphasis, it is surprising that the book's proposals center around accommodating women's individual needs, rather than promoting social change.¹³ A fuller discussion of the societal barriers to progressive change, as well as strategies for preven-

5. See *id.* chs. 3-4.

6. See *id.* chs. 2-4.

7. See *id.* chs. 3-4.

8. See *id.* at 2.

9. See *id.*

10. See *id.* chs. 3-4.

11. See *id.* ch. 6.

12. See *id.* at 2.

13. See *id.* ch. 6.

tion and transformation, would complement the text and pave the way toward a more comprehensive answer to the question of why battering persists and why battered women's circumstances haven't substantially changed.

I. Summary

Listening to Battered Women presents a concise and current review of the evolution of United States' legal and policy reforms that address domestic violence. It explores these reforms by focusing on three areas the authors identify as the "most extensive and furthest developed"—the domestic violence advocacy community, the mental health profession, and the justice system.¹⁴ For each of those areas, the book provides a comprehensive description of policy responses.¹⁵ The descriptions pay particular attention to the manner in which policies have shifted to better address the needs of those who were inadequately served by initial interventions.¹⁶ This analysis is written from the perspective of two seasoned professionals who bring an inside knowledge of the advocacy community, mental health, and criminal justice responses.¹⁷

The book makes the case for re-emphasizing core feminist tenets. Accordingly, the authors identify three principles as organizing themes: centering women's voices, recognizing the important role of community, and focusing on those who are most economically vulnerable.¹⁸ In each section, the authors critique the ways legal and policy responses have shifted away from the feminist and political values that drove initial reforms.¹⁹ In effect, the book chronicles the mainstreaming of a movement and some of the perils and pitfalls of successful advocacy.

For example, Chapter 2, the chapter on the domestic violence advocacy community, describes how service providers and advocates came to partner with the state and how that partner-

14. *Id.* at 1.

15. *See id.* chs. 2-4.

16. *See id.*

17. *See supra* note 3.

18. *See* GOODMAN & EPSTEIN, *supra* note 1, at 4-5, 89-90. I also have discussed why reincorporating victims' voices is essential for progressive reform. *See* Julie Goldscheid, *Elusive Equality in Domestic and Sexual Violence Law Reform*, 34 FLA. ST. U. L. REV. 731, 774-76 (2007).

19. *See* GOODMAN & EPSTEIN, *supra* note 1, chs. 2-4.

ship resulted in an eroded feminist orientation.²⁰ It chronicles how that partnership marked successful advocacy and resulted in increased visibility and support for services.²¹ At the same time, those advances created pressure to separate from anti-poverty activists,²² to develop more traditional and professionalized services,²³ and to narrow the range of services available to survivors.²⁴ The discussion recognizes shifts within the movement that are not often acknowledged in mainstream public discussions but that have had a profound effect on survivors and service providers alike.²⁵ By naming the shifts and acknowledging the trade-offs associated with the movement's mainstreaming, the book lays the foundation for future initiatives that could revive the movement's original commitment to honoring women's voices and experiences and center the experience of abuse in its social context.

Chapter 3, which examines the mental health system's response, traces the evolution of the movement from one dominated by lay advocates rooted in feminist empowerment

20. *See id.* at 36-47.

21. *See id.* at 38.

22. *Id.* at 39-40.

23. *Id.* at 40-41.

24. *See id.* at 43-47.

25. Notwithstanding the absence of this debate from mainstream discourse, the text builds on and complements similar critiques raised in the law review literature. *See, e.g.,* Naomi Cahn, *Policing Women: Moral Arguments and the Dilemmas of Criminalization*, 49 DEPAUL L. REV. 817 (2000) (discussing the criminal justice system's limited focus); Donna Coker, *Crime Control and Feminist Law Reform in Domestic Violence Law: A Critical Review*, 4 BUFF. CRIM. L. REV. 801 (2001) [hereinafter Coker, *Crime Control*] (tracing the debate over mandatory arrest and no-drop prosecution policies and discussing the feminist dilemma over controlling state actors without increasing state control of women); Julie Goldscheid, *Domestic and Sexual Violence as Sex Discrimination: Comparing American and International Approaches*, 28 T. JEFFERSON L. REV. 355, 373-78 (2006) (describing "neutralized conversation" in United States' initiatives to address domestic and sexual violence); G. Kristian Miccio, *A House Divided: Mandatory Arrest, Domestic Violence, and the Conservatization of the Battered Women's Movement*, 42 HOUS. L. REV. 237 (2005) (tracing the history of the battered women's movement and its mainstreaming and ideological tensions, particularly surrounding mandatory arrest policies); Beth E. Richie, *A Black Feminist Reflection on the Antiviolence Movement*, in DOMESTIC VIOLENCE AT THE MARGINS 50 (Natalie J. Sokoloff & Christina Pratt eds., 2005); Emily J. Sack, *Battered Women and the State: The Struggle for the Future of Domestic Violence Policy*, 2004 WIS. L. REV. 1657 (tracing the justice system's treatment of domestic violence and analyzing debates about criminal justice policy from within and outside the movement).

concepts to an increasingly professionalized response by mental health professionals.²⁶ Goodman and Epstein discuss the tension between those two approaches and, in so doing, document an important piece of feminist history.²⁷ The chapter reviews the various theories mental health practitioners have applied in an effort to explain both the scope and frequency of partner violence and why many victims stay with their abusive partners, even after an assault.²⁸ The chapter reviews mental health treatment approaches by describing the basic tenets of how feminist therapy applies to battering and by assessing the limitations of that approach.²⁹

The book completes its description of the mental health system response by identifying and discussing systemic limitations of mental health practice.³⁰ The authors conclude that although psychological theorizing about battered women has made much progress from the victim-blaming theories that dominated in the 1960s, much work remains to be done to more fully integrate domestic violence into professional training programs, to eliminate pathologizing diagnoses as a condition for receipt of services, and to establish more realistic reimbursement criteria.³¹ The chapter calls for increased collaboration between lay advocates and mental health professionals, with a recognition that neither advocacy nor therapy alone can effectively address the issues.³²

Chapter 4, the chapter on the justice system's response to the battered women's movement, tracks the impact of advocacy efforts, beginning in the 1970s, which demanded that domestic violence be treated "like any other crime," rather than as a private matter of personal relationships.³³ This section describes the successful adoption of reforms, including mandatory arrest

26. See GOODMAN & EPSTEIN, *supra* note 1, at 49-70.

27. See *id.* at 49-51.

28. See *id.* at 51-57.

29. See *id.* at 57-66.

30. *Id.* at 69. These limitations include insufficient training of professionals, unduly restrictive criteria for insurance reimbursement, cramped definitions of successful treatment, and a lack of coordination between the staff of domestic violence and mental health agencies. *Id.*

31. *Id.* at 70.

32. *Id.*

33. *Id.* at 71.

laws and no-drop prosecution policies, civil protection order statutes, and expanded criminal justice system responses.³⁴ These advocacy successes are critical and were not easily obtained.

The chapter then analyzes the new challenges created by each of these reforms. For example, it demonstrates how reforms such as mandatory arrest and no-drop prosecution strategies effectively silenced women's voices.³⁵ It describes how criminal justice responses are inadequate for immigrant women and women of color, who often are justifiably reluctant to call on the criminal justice system and are reasonably skeptical about its ability to produce beneficial results.³⁶ The authors' discussion of mandatory arrest laws is particularly useful due to its incorporation of recent studies reviewing and questioning the effectiveness of these laws as a means to reduce future violence.³⁷

This chapter's discussion of the civil justice system and the use of civil protective orders summarizes the debates over the utility of those orders and highlights the challenges that the use of protective orders pose for women.³⁸ The chapter describes the trend toward developing "coordinated community responses,"³⁹ which have been found to be among the most successful of recent interventions.⁴⁰ Nevertheless, as with all policy interventions, coordinated responses themselves have their limitations, which this chapter ably describes.⁴¹ In conclusion, the authors call for increased responsiveness to meet a woman's individual needs.⁴²

Next, in Chapter 5, the authors critique those system responses through three feminist themes: centering battered women's individual voices, recognizing relationships, and

34. *See id.* at 71-74, 78-85.

35. *Id.* at 75.

36. *Id.* at 77-78.

37. *See id.* at 75-78.

38. *See id.* at 78-82.

39. *Id.* at 82.

40. *See id.* at 82-85.

41. *See id.* at 85-87. These limitations are "the relative subordination of battered women's advocates and the absence of attention to women's individual stories and needs." *Id.* at 85.

42. *Id.* at 87.

enhancing economic empowerment.⁴³ These analyses tellingly describe current challenges. The authors explain, for example, how policy forces, such as the dominance of civil protection orders, and funder preferences for professional staff and observable predetermined outcomes, reduce social service programs' capacity to effectively serve women who do not fit prescribed models of victim behavior.⁴⁴ They argue that future reforms should expand the range of survivors' choices and autonomy.⁴⁵

The authors also discuss how domestic violence service providers' focus on having a victim leave the perpetrator runs counter to feminist theorists' emphasis on the importance of relationships and communities in human development and growth.⁴⁶ The text explains how the protective order system effectively assumes that all survivors wish, or should wish, to leave their abusive relationships and describes the increased challenges for women who do not so conform.⁴⁷ The system's focus on leaving also runs counter to the core feminist principle of individual self-determination and privileges civil court judges' assessment of what will best serve a woman's interests over her own view.⁴⁸ The current focus on leaving is inconsistent with many women's stated goals and desires and penalizes the victim, while often leaving the perpetrator comfortable in his community.⁴⁹

The book's focus on economic empowerment emphasizes the ways abuse both causes and perpetuates women's poverty.⁵⁰ This discussion recounts the ramifications of abuse for women on welfare and explains the correlation between battering and homelessness.⁵¹ Thus, Goodman and Epstein call for responses

43. *See id.* at 89-90.

44. *See id.* at 90-95.

45. *See id.* at 95.

46. *See id.* at 95-105.

47. *See id.* at 91-93, 96-99. For a discussion of the limitations of civil protection orders, particularly given that many women in abusive relationships do not want to separate from their abusers, see Sally F. Goldfarb, *Reconceiving Civil Protection Orders for Domestic Violence: Can Law Help End the Abuse Without Ending the Relationship?*, 29 CARDOZO L. REV. 1487 (2008).

48. *See* GOODMAN & EPSTEIN, *supra* note 1, at 93-94.

49. *See id.* at 92, 93.

50. *See id.* at 105-09.

51. *Id.* at 105, 107.

that make economic empowerment a central part of the battered women's movement's mandate.⁵²

Chapter 6, the final chapter, enumerates the authors' recommendations for the future.⁵³ The authors group their recommendations according to the three feminist themes that connect the chapters.⁵⁴ Accordingly, the first set of recommendations urges the advocacy community, mental health, and justice systems to prioritize women's accounts of their experiences with abuse.⁵⁵ These recommendations encourage funders and policy-makers to recognize the wide range of survivors' backgrounds and experiences and to adopt broader, more inclusive evaluation measures.⁵⁶ Goodman and Epstein argue that advocates should be able to support women's individual choices, even if those goals are in tension with those of their agencies.⁵⁷

Recommendations for the mental health system advocate an expanded view of the impact of abuse so that service providers would more fully consider the wide spectrum of challenges survivors face, managed care standards would take into account the range of services for which survivors need treatment, and evaluation criteria would reflect a more realistic and comprehensive understanding of survivors' experiences.⁵⁸

Justice system recommendations focus on the need to give police and prosecutors greater flexibility when deciding, in collaboration with survivors, whether to arrest and prosecute a batterer.⁵⁹ The authors advocate increased communication between prosecutors and survivors so that prosecutors have complete and accurate information about survivors' abuse history.⁶⁰ In addition, they recommend an enhanced role for lay advocates and suggest increased research on the impact of advocates' interventions.⁶¹

52. *See id.* at 109.

53. *Id.* at 111.

54. *See supra* note 18 and accompanying text.

55. *See* GOODMAN & EPSTEIN, *supra* note 1, at 112.

56. *Id.* at 112-14.

57. *Id.* at 114.

58. *Id.*

59. *Id.* at 118.

60. *Id.* at 119.

61. *See id.* at 120.

The next set of recommendations aims to restore and support survivors' relationships with their communities.⁶² These recommendations are particularly important because they challenge traditional assumptions within advocacy and service provider communities about best practices.⁶³ For example, the authors question the conventional wisdom that shelter locations be kept absolutely confidential.⁶⁴ They also challenge policies that require victims to leave their communities in order to obtain shelter, which are couched in a concern for victim safety but instead may deter women from seeking services.⁶⁵ They advocate peer support groups and increased collaboration with community leaders as alternative ways to sustain community ties.⁶⁶

The authors further recommend that the mental health system support community networks by expanding non-traditional approaches to services, such as hosting informal discussions about domestic violence through local businesses.⁶⁷ Recommendations for the justice system urge an overhaul of policies that reflexively encourage battered women to leave their abusive partners.⁶⁸ Additionally, the authors support consideration of how alternative approaches, such as restorative justice, could be implemented without ignoring the dynamics of abuse and pathologizing and potentially endangering survivors.⁶⁹

Recommendations for increasing opportunities for economic empowerment range from highly targeted interventions to broad economic and employment policies.⁷⁰ Goodman and Epstein support expanded programs that would provide short term financial assistance, such as immediate financial relief and bridge funds from lenders.⁷¹ The recommendations include workplace flexibility policies that would allow survivors to

62. *Id.*

63. *See id.* at 120-21.

64. *Id.* at 121-22.

65. *See id.*

66. *Id.* at 122-23.

67. *Id.* at 123-24.

68. *Id.* at 124.

69. *See id.* at 124-27.

70. *See id.* at 127-34.

71. *Id.* at 129.

maintain their jobs while managing the myriad arrangements and appointments survivors must juggle, including court proceedings and housing and child care arrangements.⁷² The recommendations advocate increased awareness and responsiveness by employers and landlords, as well as programs that assist with credit issues, increase relief for those on public assistance, and make child support available without exposing a survivor or her children to further violence.⁷³ The authors encourage mental health professionals to stretch beyond their traditional role and address survivors' practical and financial needs, even if doing so requires collaboration with lay advocates.⁷⁴ The recommendations end with suggestions for ways the justice system might facilitate survivors' access to financial assistance, including, for example, crime victims' compensation funds and other economic assistance programs.⁷⁵

These recommendations reflect comprehensive, concrete, and practical approaches that would enable each system to be more responsive to victims' individual needs, improve community ties, and increase economic security. The next section of this review picks up on the authors' focus on social context.⁷⁶ It argues that a fuller discussion of the question of why battering continues would include an analysis of the ways societal factors, such as enduring but outdated stereotypes, perpetuate abuse. This discussion offers additional examples of the importance of economics and argues that dialogue about the difficult and often emotionally laden differences in opinion about policies and interventions may be key to future reform.

II. Social Context and Social Change

One of the book's themes is framing domestic violence in its social context rather than through the lens of individual psychopathology that has traditionally shaped responses to the problem.⁷⁷ The text builds on foundational works, such as those by

72. *Id.*

73. *See id.* at 130-32.

74. *Id.* at 133.

75. *Id.* at 134.

76. *See id.* at 2.

77. *See id.*

Susan Schechter,⁷⁸ Elizabeth Schneider,⁷⁹ and Kimberlé Crenshaw,⁸⁰ by reminding readers of the feminist theory driving the movement that began in the 1970s and describing both the broad arch of the movement and the specific reforms the movement has produced.⁸¹ *Listening to Battered Women* is informed by the important critiques challenging the white, middle class, heterosexual perspectives that have limited the reach of reform efforts.⁸² As the authors remind readers, intimate partner violence is a problem of society, not of individual psychopathology.⁸³ To support their argument that domestic violence should be prioritized as a social issue, the authors provide a valuable compilation of studies and anecdotes that address recurring debates, such as whether women are predominantly the victims of domestic violence (or whether it is a gender-neutral phenomenon),⁸⁴ what terminology should be used to describe the problem,⁸⁵ the statistical disputes over the prevalence of the problem,⁸⁶ and the impact of intimate partner violence on women's health, work opportunities, families, and communities.⁸⁷ This discussion offers a particularly useful resource for readers and paints a compelling picture of the depth and breadth of the impact of domestic violence.

The authors' emphasis on social context is key to an accurate and comprehensive approach to domestic violence. Internationally, sources, including human rights treaties, frame domestic violence as a form of sex discrimination, inextricably linked to a history of patriarchy and sanctioned male violence

78. SUSAN SCHECHTER, WOMEN AND MALE VIOLENCE 235-38, 267-81 (1982).

79. ELIZABETH M. SCHNEIDER, BATTERED WOMEN AND FEMINIST LAWMAKING 12-13 (2000).

80. Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1277 (1991).

81. See GOODMAN & EPSTEIN, *supra* note 1, at 31-47.

82. See *id.* at 46. See also COLOR OF VIOLENCE (Incite! Women of Color Against Violence ed., 2006); DOMESTIC VIOLENCE AT THE MARGINS, *supra* note 25, pt. I (presenting several articles that address the movement's limitations based on race, class, sexual orientation, gender, immigration status, and poverty); Jenny Rivera, *Domestic Violence Against Latinas by Latino Males: An Analysis of Race, National Origin, and Gender Differentials*, 14 B.C. THIRD WORLD L.J. 231 (1994).

83. See GOODMAN & EPSTEIN, *supra* note 1, at 2.

84. *Id.* at 8-12.

85. *Id.* at 12-14.

86. *Id.* at 14.

87. *Id.* at 17.

directed towards women.⁸⁸ Yet, the United States' public dialogue about intimate partner violence is increasingly framed in a politically neutral manner and, as the authors point out, focuses on individual and psychological, rather than social, factors.⁸⁹

The authors maintain "that intimate partner violence is rooted in . . . gender-based power hierarchies and the societal norms and institutions that support and reinforce women's subordination."⁹⁰ Given this focus on social context, it is surprising that the book does not elaborate on current dynamics that perpetuate the social conditions that foster abuse. For example, despite common perceptions that we are in a post-feminist society and that domestic violence now is widely and sufficiently addressed, examples of victim blaming and stereotyping of survivors persist.⁹¹ A discussion of the persistence of those stereotypes and the gender subordination associated with abuse could support efforts to destabilize these root causes of abuse.

An analysis of the social issues surrounding intimate partner violence could include examples of ways that law enforcement authorities continue to diminish the severity and impact of sexual violence and denigrate, rather than support, victims. Two recent examples illustrate the continued role law enforcement officials play in perpetuating stereotypes and blaming the victim. In one case, a judge in Spokane, Washington denied a

88. See, e.g., Declaration on the Elimination of Violence Against Women, G.A. Res. 104, U.N. GAOR, 48th Sess., U.N. Doc. 1/49/104 (1993) ("[V]iolence against women is an obstacle to the achievement of equality . . . constitutes a violation of the rights and fundamental freedoms of women . . . [and] is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men . . ."); Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13 ("[D]iscrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity . . .").

89. See GOODMAN & EPSTEIN, *supra* note 1, at 2.

90. *Id.*

91. As one example, recent discussions concerning pop star Chris Brown's alleged abuse of his girlfriend, pop star Rihanna, indicate that young girls blame Rihanna for "making him mad." Jan Hoffman, *Teenage Girls Stand By Their Man*, N.Y. TIMES, Mar. 18, 2009, at E1, available at http://www.nytimes.com/2009/03/19/fashion/19brown.html?_r=1&scp=2&sq=domestic%20violence&st=cse.

woman's application to divorce her husband after he was jailed for beating her because she was pregnant.⁹² Apparently, it was more important to the judge that the child "not be illegitimized" than that the woman and her child be allowed to sever a relationship with an abusive partner.⁹³ Another case illustrates law enforcement's insensitivity to the ramifications of sexual assault. There, police jailed, instead of assisted, a twenty-one year old woman who came to the police to report being raped.⁹⁴ The authorities based their actions on an accusation that she had failed to pay restitution for a theft arrest that had occurred four years earlier.⁹⁵ To compound the problem, a jail worker refused to give her a second dose of a morning-after pill to prevent pregnancy, citing his religious convictions.⁹⁶ These are just two examples that illustrate the persistent, victim-blaming attitudes that deter women from seeking help and that limit the redress available for those who do seek assistance.

Another facet of the social context of abuse is the debate over the role of gender. Differing views of the role gender plays in intimate partner violence inform practitioners' and policymakers' understandings of intimate partner violence and the solutions they craft to end it. On the one hand, many researchers, scholars, and advocates, including the authors of *Listening to Battered Women*, view intimate partner violence as inherently gendered, reflecting a patriarchal society in which men use violence and abuse to maintain power and control over female victims and in which system responses, including those of the justice system and social services, reflect and perpetuate gender bias.⁹⁷ At the other extreme, fathers' rights groups

92. Thomas Clouse, *Pregnant Woman Can't Get Divorce: Judge Rules Interest of Unborn Child Paramount Even Though Mom is Domestic Violence Victim*, SPOKESMAN REV. (Spokane, WA), Dec. 31, 2004, at A1, available at http://www.spokesmanreview.com/tools/story_pf.asp?ID=45962.

93. *Id.*

94. Rebecca Catalanello, *Police Jail Rape Victim for Two Days*, ST. PETERSBURG TIMES, Jan. 30, 2007, at 1A, available at http://www.sptimes.com/2007/01/30/Tampabay/Police_jail_rape_vict.shtml.

95. *Id.*

96. *Id.*

97. See, e.g., GOODMAN & EPSTEIN, *supra* note 1, at 2-3; SCHECHTER, *supra* note 78; SCHNEIDER, *supra* note 79. See also Peter Salem & Billie Lee Dunford-Jackson, *Beyond Politics and Positions: A Call for Collaboration Between Family Court and Domestic Violence Professionals*, 46 FAM. CT. REV. 437, 445-48 (2008) (describing varying definitions of domestic violence).

claim that men and women are equally represented as victims and perpetrators and that legislative and policy responses focusing on services for women unfairly and illegally discriminate against men.⁹⁸

Researchers increasingly distinguish among different types of abuse, ranging from the chronic and systematic battering referenced by anti-domestic violence advocates, to episodic or situational self-defense or separation-related abuse, which occur on less clearly gendered lines.⁹⁹ This emerging and nuanced view accommodates both a recognition that not all abuse falls along gender lines and that gender plays a dominant role in many, if not most, instances of the abuse that services are designed to target.¹⁰⁰ Nevertheless, there is great resistance in the advocacy community to acknowledging that not all intimate partner violence tracks a traditional feminist analysis.¹⁰¹ This debate polarizes advocates and complicates efforts to situate gender in the social context of abuse.¹⁰² In a related vein, although the authors acknowledge the complex effects that race, culture, and class have on the experience of abuse,¹⁰³ their analysis does not detail the continued challenges of providing culturally sensitive

98. See, e.g., *Woods v. Horton*, 84 Cal. Rptr. 3d 332, 346-48 (Ct. App. 2008) (striking California's statutory authorization of funding to domestic violence programs that offer services only to women and their children, but not to men, as violating equal protection). But see *Booth v. Hvass*, 302 F.3d 849, 853-54 (8th Cir. 2002) (dismissing challenge to Minnesota statutes authorizing funds for domestic violence victims as discriminating against men for lack of standing); *Blumhorst v. Jewish Family Servs. of Los Angeles*, 24 Cal. Rptr. 3d 474, 478-82 (Ct. App. 2005) (dismissing allegation that domestic violence shelter discriminated against alleged battered husband for lack of standing); *Hagerman v. Stanek*, No. A03-2045, 2004 Minn. App. LEXIS 789 (July 13, 2004) (affirming dismissal of gender based equal protection challenge to Minnesota statutes authorizing funds for domestic violence victims). See also Sack, *supra* note 25, at 1697-1703, 1709-10.

99. See, e.g., Michael P. Johnson & K. J. Ferraro, *Research on Domestic Violence in the 1990s: Making Distinctions*, 62 J. MARRIAGE & FAM. 948 (2000); Joan B. Kelly & Michael P. Johnson, *Differentiation Among Types of Intimate Partner Violence: Research Update and Implications for Interventions*, 46 FAM. CT. REV. 476 (2008); Michael S. Kimmel, 'Gender Symmetry' in *Domestic Violence: A Substantive and Methodological Research Review*, 8 VIOLENCE AGAINST WOMEN 1332 (2002); Salem & Dunford-Jackson, *supra* note 97, at 445-46.

100. See, e.g., Salem & Dunford-Jackson, *supra* note 97, at 446.

101. See *id.* See also *supra* note 98 and accompanying text.

102. See Salem & Dunford-Jackson, *supra* note 97, at 447.

103. See GOODMAN & EPSTEIN, *supra* note 1, at 3, 91-92.

services.¹⁰⁴ A discussion of those complexities would add to the analysis and could lay the groundwork for improved services going forward.

The authors' concern with the social context of abuse could be explicitly tied to their argument about the centrality of women's voices.¹⁰⁵ A number of survivor-driven, innovative grassroots advocacy initiatives draw on women's experiences of abuse in devising social change and advocacy strategies.¹⁰⁶ By addressing the role of gender and other sources of subordination that define and shape women's experiences of abuse, such as race, class, sexual orientation, and immigration status, those initiatives can lay a broad foundation for future reforms.

III. Women's Voices and Difficult Conversations

The authors' commitment to basing policy and programmatic responses on women's voices and experiences serves as a valuable reminder to those engaged in domestic violence policy reform.¹⁰⁷ Their descriptions of the ways in which uniform policy approaches trump women's individual needs bring these nuances of policy implementation to light and underscore the dangers inherent in mainstream programmatic responses.¹⁰⁸ In addition, the authors' recommendations for increased flexibility in the range of approaches available to advocates, mental health professionals, and justice system employees would certainly increase effective service provision to individual women.¹⁰⁹

104. For suggestions for a critical and current definition of culture in the context of domestic violence, see Sujata Warner, *"It's in their Culture": Fairness and Cultural Considerations in Domestic Violence*, 46 FAM. CT. REV. 537, 540-41 (2008).

105. See *supra* note 18 and accompanying text.

106. See, e.g., COLOR OF VIOLENCE, *supra* note 82, pt. III (collecting articles describing a range of organizing approaches and efforts); DOMESTIC VIOLENCE AT THE MARGINS, *supra* note 25, pt. III (collecting articles proposing alternative approaches for organizing and social change). See also Communities Against Rape and Abuse, <http://www.cara-seattle.org/programs.html> (last visited Apr. 6, 2009) (addressing rape and abuse by building social change movement); CONNECT, <http://www.connectnyc.org/> (last visited Apr. 6, 2009) (employing community empowerment model to domestic violence); Voices of Women Organizing Project (VOW), <http://www.vowbwrc.org/> (last visited Apr. 6, 2009) (addressing domestic violence through empowering women's voices).

107. See *supra* notes 55-61 and accompanying text.

108. See *supra* notes 20-52 and accompanying text.

109. See *supra* notes 53-75 and accompanying text.

Although the authors may have chosen to focus on possibilities rather than barriers, a discussion of the challenges to fully integrating women's voices would paint a fuller picture of the opportunities for progressive reform. The authors correctly challenge funders and policymakers to support advocates' ability to provide services to women regardless of whether they comport with traditional notions of victim behavior.¹¹⁰ Other recommendations encourage more broadly conceived approaches by domestic violence programs and advocates, mental health practitioners, and justice system personnel.¹¹¹ These recommendations are important and significant.

However, in some cases, survivors' voices are in tension with the views of advocates. For instance, survivors may not share advocates' political analysis of the dynamics of abuse.¹¹² They also may not agree with advocates' or service providers' suggestions that they should leave the batterer.¹¹³ Other tensions, either between the views of survivors and advocates or among advocates and services providers, are rarely addressed directly. Future reform efforts would benefit from difficult conversations about those differences.

For example, a recent conference convened by the Association of Family and Conciliation Courts and the Family Violence Department of the National Council of Juvenile and Family Court Judges (the "Wingspread Conference") aimed to address some of these differences through a multidisciplinary discussion of challenges professionals face in assessing and adjudicating domestic violence cases in the family court system.¹¹⁴ The conference was notable for exposing the tensions that create impediments to change and for attempting to facilitate constructive

110. See GOODMAN & EPSTEIN, *supra* note 1, at 113.

111. See *supra* notes 53-75 and accompanying text.

112. See, e.g., Laura Nichols & Kathryn M. Feltey, "The Woman is Not Always the Bad Guy": Dominant Discourse and Resistance in the Lives of Battered Women, 9 VIOLENCE AGAINST WOMEN 784 (2003) (surveying women living in a battered women's shelter and finding that most, especially the women of color, defined domestic violence in terms of inadequate services and a complexity of political issues, rather than as a problem of gender).

113. See *supra* notes 46-49 and accompanying text.

114. The conference was the subject of a special issue of the *Family Court Review*. See 46 FAM. CT. REV. 431 (2008).

dialogue and foster solutions.¹¹⁵ The resulting papers reflect a refreshingly honest, though admittedly difficult dialogue, and the tensions discussed will be familiar to those involved in domestic violence service provisions or advocacy.¹¹⁶ According to Peter Salem and Billie Lee Dunford-Jackson, the differences reflect underlying barriers to successful collaboration including: “(1) a complex entanglement of ideology, identity, livelihood and turf; (2) differences in defining domestic violence including gender issues; (3) an [sic] historic lack of trust; and (4) resistance to moving ahead.”¹¹⁷ Those authors concluded that “[i]f we are to overcome these challenges, we must first acknowledge them together.”¹¹⁸

Those underlying tensions account for at least some of the difficulties in achieving productive reform. For example, the debate over the definition of domestic violence informs program structure and what it means to address the social context of abuse.¹¹⁹ As participants in the Wingspread Conference acknowledged, recent research differentiating among various types of intimate partner violence challenges closely held ideological views of domestic violence as a form of gender discrimination.¹²⁰ As mentioned above, some advocates have resisted a nuanced conception that recognizes that some domestic violence may not be gender driven.¹²¹ They fear both a diffusion of the political message about the role of gender in intimate partner

115. See, e.g., Kelly Browe Olson & Nancy Ver Steegh, *Introduction of Special Issue Editors*, 46 FAM. CT. REV. 434 (2008) (introducing special issue containing articles by participants).

116. Olson and Ver Steegh identified the tensions as:

[H]ow to differentiate among families who experience domestic violence[,] . . . effective screening of families who enter the court system and consideration of how to accomplish appropriate triage and assessment of cases involving or potentially involving domestic violence. . . . [,] whether to include, modify, or exclude families who have experienced domestic violence from various court processes and social services. . . . [,] assuring appropriate outcomes for children . . . that appropriately balance safety and access . . . [and] the increasing demands made on the family court during a time of declining resources.

Id. at 435-36.

117. Salem & Dunford-Jackson, *supra* note 97, at 444.

118. See *id.*

119. See *id.* at 444-47.

120. See *id.* at 444-45.

121. See *supra* notes 98, 101-02 and accompanying text.

abuse and the possibility that recognizing men as victims will jeopardize funding and resources currently directed to women.¹²² Yet, a failure to collaborate across different ideological approaches will jeopardize the effectiveness of policies and programs in the future.

Another issue in which emotionally-laden ideological differences thwart productive collaboration is the debate over the value of restorative justice approaches for domestic violence survivors. Goodman and Epstein discuss the importance of developing viable alternatives to the criminal justice system.¹²³ At the same time, they acknowledge advocates' "deep reservations" about applying these models to domestic violence cases.¹²⁴ The authors state that most of advocates' resistance is based on the fact that the perpetrator is an active participant in most restorative justice models.¹²⁵ They seem to resolve this tension by recommending a "family group conferencing model" in which batterers' participation is optional.¹²⁶ The authors may be correct that the approach they recommend adequately addresses advocates' concerns. Nevertheless, the book's description does not capture the depth of advocates' resistance, the difficulty of engaging in discussion of the utility of restorative justice models,¹²⁷ or the polarization surrounding related alternative ap-

122. *See id.* at 445.

123. *See* GOODMAN & EPSTEIN, *supra* note 1, at 124-27.

124. *Id.* at 125.

125. *Id.*

126. *Id.* at 126.

127. Some discussions within the advocacy community attempt to chart constructive responses that respect feminist principles. *See, e.g.,* Donna Coker, *Transformative Justice: Anti-Subordination Processes in Cases of Domestic Violence*, in RESTORATIVE JUSTICE AND FAMILY VIOLENCE 128, 143-50 (Heather Strang & John Braithwaite eds., 2002); C. Quince Hopkins et al., *Applying Restorative Justice to Ongoing Intimate Violence: Problems and Possibilities*, 23 ST. LOUIS U. PUB. L. REV. 289 (2004). Yet, some of the related debates have been characterized by accusations and characterizations, rather than dialogue. Compare LINDA G. MILLS, *INSULT TO INJURY: RETHINKING OUR RESPONSES TO INTIMATE ABUSE* 101-118 (2003) (recommending restorative justice approach for domestic violence cases as part of critique of domestic violence movement), with Annalise Acorn, *Surviving the Battered Reader's Syndrome, or: A Critique of Linda G. Mills' Insult to Injury: Rethinking Our Responses to Intimate Abuse*, 13 UCLA WOMEN'S L.J. 335 (2005) (book review), and Donna Coker, *Race, Poverty, and the Crime-Centered Response to Domestic Violence: A Comment on Linda Mills's Insult to Injury: Rethinking Our Responses to Intimate Abuse*, 10 VIOLENCE AGAINST WOMEN 1331, 1341 (2004) (book review).

proaches.¹²⁸ The Wingspread approach suggests that careful, constructive dialogue that acknowledges the depth of emotion these issues trigger could productively help move the debate forward.¹²⁹

IV. Economic Empowerment and the Hidden Coercion of Public Policy

The authors' emphasis on the importance of economic empowerment reflects a critical shift from the traditional focus on criminal justice interventions.¹³⁰ The text makes important contributions by explaining the need for short and long term assistance and by discussing the possibilities for meaningful intervention in the context of employment and housing, as well as in credit practices and public assistance.¹³¹ The discussion correctly identifies many of the work-related initiatives that help survivors maintain employment in the face of abuse.¹³² Readers may also be interested in the recent activity in state legislatures¹³³ and the pending federal legislative initiatives that address these concerns.¹³⁴

The text identifies the availability of crime victim compensation funds as one of several short term resources for survivors but dismisses the impact of those and other public assistance

128. For discussion of the analogous tensions surrounding the use of mediation with domestic violence survivors, see Olson & Ver Steegh, *supra* note 115, at 434; and Salem & Dunford-Jackson, *supra* note 97, at 444-45.

129. See *supra* notes 114-22 and accompanying text.

130. For additional discussion of this shift, see Cahn, *supra* note 25; Coker, *Crime Control*, *supra* note 25; Richie, *supra* note 25; and Sack, *supra* note 25.

131. See GOODMAN & EPSTEIN, *supra* note 1, at 127-34.

132. See *id.* at 129-30.

133. See generally Deborah A. Widiss, *Domestic Violence and the Workplace: The Explosion of State Legislation and the Need for a Comprehensive Strategy*, 35 FLA. ST. U. L. REV. 669 (2008); Legal Momentum, Employment and Housing Rights for Victims of Domestic Violence, <http://www.legalmomentum.org/our-work/domestic-violence/> (last visited Apr. 6, 2009) (posting fact sheets detailing state legislation affecting domestic and sexual violence victims' employment and housing rights).

134. See, e.g., Job Protection for Survivors Act, H.R. 4015, 110th Cong. (2007); Survivors' Empowerment and Economic Security Act, S. 1136, 110th Cong. (2007). See also Julie Goldscheid, *Gendered Violence and Work: Reckoning with the Boundaries of Sex Discrimination Law*, 18 COLUM. J. GENDER & L. (forthcoming 2009) (discussing impact of gendered violence on women's workplace equality and arguing for expanded recognition under anti-discrimination laws).

funds due to the volume of victims who avail themselves of the courts.¹³⁵ Although the authors are correct that victims often are not informed of the availability of victim compensation and public assistance resources and that stronger connections are needed to address the links between violence and poverty,¹³⁶ victim compensation funds can be more widely tapped as a resource for victims.¹³⁷ Unlike public assistance, crime victim compensation funds are financed primarily, if not exclusively, by defendants' fines and fees and therefore do not rely on public tax dollars.¹³⁸ The funds could reach more survivors if resources were devoted to publicizing and facilitating applications and processing.¹³⁹

Additional examples bolster the authors' concern with the economic impact of abuse. Nuanced dynamics reflect both the paradoxical effects of policy advances and the economic challenges victims face. For example, some states, such as New York, base shelter funding on public assistance grants, thus expanding the availability of shelter beds.¹⁴⁰ However, in order to be eligible to stay at a shelter, a survivor either must apply for public assistance or, if ineligible, must pay for all or part of the shelter stay.¹⁴¹ This has the effect of discouraging women who seek shelter from working, since they then would have to pay the shelter for their stay. And it discourages shelters from accepting working women, since the shelter would then be put in the awkward position of being its client's creditor.

This example can be seen as another way that bureaucratization limits flexibility and reduces the effectiveness of services. It also illustrates the more nuanced and often hidden ramifications of well-intentioned policies that have the effect of thwarting survivors' safety and economic independence. The system should acknowledge the importance of women's economic empowerment so that women in need of domestic violence shelter services can put all of their financial resources

135. GOODMAN & EPSTEIN, *supra* note 1, at 134.

136. *Id.*

137. See, e.g., Julie Goldscheid, *Crime Victim Compensation in a Post-9/11 World*, 79 TUL. L. REV. 167 (2004).

138. See *id.* at 190.

139. See *id.* at 200.

140. See, e.g., N.Y. SOC. SERV. LAW § 459-b (McKinney 2003).

141. See *id.* § 459-f.

towards moving themselves and their families to independence and safety.

V. Conclusion

In sum, *Listening to Battered Women* adds an important account to the literature on domestic violence by combining theory and practice and by reconnecting current policies and practices with the domestic violence movement's feminist roots. Its tripartite focus on reincorporating women's voices, on recognizing the importance of community, and on the centrality of economic empowerment highlights valuable guideposts for future reform.¹⁴² A renewed focus on changing attitudes and stereotypes that create the social context in which abuse continues would complement the authors' recommendations for reform in the particular contexts of the advocacy community, mental health, and justice systems.¹⁴³ Overall, the book describes a movement at a transitional point, in which much progress has been made. Yet, advocates and reformers must make conscious efforts to retain the benefits of its initial feminist principles. *Listening to Battered Women* offers a foundation for renewed and informed movement forward.

142. See GOODMAN & EPSTEIN, *supra* note 1, at 4-5.

143. See *supra* notes 53-75 and accompanying text.