

10-24-2007

# "Creative Interpretation and Fluidity in a Rights Framework": the Intersection of Domestic Violence and Human Rights in the United States

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<https://doi.org/10.15760/etd.5820>

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**“CREATIVE INTERPRETATION AND FLUIDITY IN A RIGHTS  
FRAMEWORK”: THE INTERSECTION OF DOMESTIC VIOLENCE AND  
HUMAN RIGHTS IN THE UNITED STATES**

by

**KAREN LYNN MORGAINÉ**

A dissertation submitted in partial fulfillment of the  
requirements for the degree of

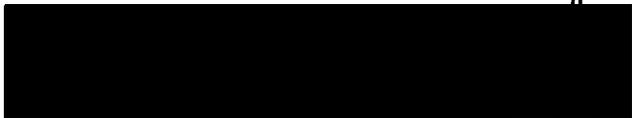
**DOCTOR OF PHILOSOPHY**  
in  
**SOCIAL WORK AND SOCIAL RESEARCH**

Portland State University  
2007

DISSERTATION APPROVAL

The abstract and dissertation of Karen Lynn Morgaine for the Doctor of Philosophy in Social Work and Social Research were presented October 24, 2007, and accepted by the dissertation committee and doctoral program.

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## ABSTRACT

An abstract of the dissertation of Karen Lynn Morgaine for the Doctor of Philosophy in Social Work and Social Research presented October 24, 2007

Title: "Creative interpretation and fluidity in a rights framework": The intersection of domestic violence and human rights in the United States

This study explores the manner in which leaders working in the domestic violence field in the US have or have not adopted a human rights framework and what impact this has had on domestic violence policy and intervention. Participants included leaders from national domestic violence and human rights organizations. These organizations are instrumental in developing policy and in framing the issues of domestic violence and human rights, many of which also work with specific racial and ethnic populations. Some of the primary research questions included: If the human rights discourse is being put to practical use within the US, how does it meet the needs of women of color, immigrants, and other women who have been marginalized? Does bringing the issue of domestic violence into a human rights framework reinscribe hegemonic feminism in ways that are either ineffectual or oppressive and colonizing to women of color, immigrants and/or women in marginalized groups in the US and if so, in what ways? Additional research objectives include assessing whether there is

active resistance to adopting a human rights framework and benefits and challenges to using the framework. This research uses the critique and experiences of women of color as a focal point.

Through the use of critical ethnography and autoethnography, this study examines the manner in which the power to frame and define social problems unfolds. Findings suggest a limited dialogue to date between national domestic violence and human rights organizations with a range of thoughts regarding potential benefits and barriers to reframing domestic violence as a human rights violation. Barriers include lack of resonance/U.S. exceptionalism, power of the State to direct funding and focus, and reluctance to shift status quo based in part in white privilege. Benefits of cross-organizational dialogue include expanding focus, building coalitions, and engaging diverse communities in addressing domestic violence issues. Intersectional issues related to gender, race/ethnicity, immigration, and sovereignty are also explored. This research suggests that social workers need to continue to critically assess the application of human rights to social justice issues and the role that privilege plays in social movements and social policy formation.

## Acknowledgments

I would like to thank Dr. Stephanie Wahab for her consistent upbeat support and encouragement throughout this research process. I would also like to thank the people that traveled with me through this graduate school adventure—my husband, Matthew and my daughter, Briana who put up with piles of books and papers for many years and my two wise and wonderful co-students and dear friends, Diana and Moshoula. I am appreciative of my entire dissertation committee who were extraordinarily helpful and supportive. I would also like to recognize the support I received from the John F. Longres Dissertation Fellowship. Lastly, I want to thank all of my interview participants who gave their time and insight to this project.

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## Chapter 1

### Introduction and Literature Review

The practice of linking violence against women (VAW) to human rights is historically rooted in the movement to recognize “women’s rights as human rights” (Bunch, 1990) and is also linked to recent United Nations (U.N.) conventions and declarations, including the 1993 *Declaration to Eliminate Violence against Women*, the 1992 *19th General Recommendation* made by the Committee to Eliminate Discrimination against Women and the 1995 *Beijing Declaration* (Keck & Sikkink, 1998). This linking of VAW and human rights has influenced the transnational women’s movement and women’s movements around the world, with many funding sources, non-governmental organizations (NGOs) and state governments taking up the challenge to work towards the elimination of violence against women (Dauer, 2002; Keck & Sikkink, 1998; Merry, 2002).

In recent years domestic violence (DV), as one form of VAW, has been examined using a human rights framework with much of the accompanying dialogue centering on the applicability of international law to DV—primarily focusing on the debate regarding the so-called “private” nature of DV and how private, individual violence can be addressed through international law (Amnesty International, 2005;

Beasley & Thomas, 1994; Coomaraswamy, 2000; Hawkins & Humes, 2002; Levesque, 1999; Moore, 2003; Roth, 1994; Zorn, 1999). National and regional organizations such as the Coalition on Violence against Women—Kenya, the Center for Domestic Violence Prevention in Uganda, Women for Women's Human Rights/New Ways in Turkey, Iraqi Women's Rights Coalition and International Women's Rights Action Watch Asia Pacific have framed domestic violence as a human rights violation.

This chapter summarizes the contemporary U.S. DV movement and the rise of the international women's movement in relation to human rights and violence against women and examines a number of examples in which the global DV movement and the tendency towards using universal frameworks is complicated by a variety of factors. These examples demonstrate how Northern<sup>1</sup> conceptualizations of DV, which some would argue may be driving the linking of violence against women to human rights (Grewal, 1999; Mertus & Goldberg, 1994) have influenced DV framing and intervention in various cultural contexts. Additionally, this overview explores some of the theoretical arguments used to link human rights with DV and suggests the relevance of this exploration to social work in light of the role of social workers in framing and intervening in social problems such as DV and in light of the current

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<sup>1</sup> The North/South distinction used throughout this paper characterizes the North geographically and symbolically as the site of most of the world's privileged and affluent countries versus the South as the site of countries that are economically, socially and politically marginalized. This geographical distinction is based on the Northern/Southern hemispheres yet also is used symbolically to differentiate between the privileged and marginalized peoples, regardless of geographical location (Dirlik, 1997; Mohanty, 2002)

focus on the “globalization” of social work practice (Caragata & Sanchez, 2002; Mohan, 2005).

This study examines if and how the discourse of women’s rights as human rights has developed within the United States DV movement. Turning the lens onto the United States and its place within the international dialogue is important for a number of reasons. The US is an appropriate starting point due to my own personal location within the US and my past experience with the U.S. domestic violence movement. This study will also help to fill a gap in the knowledge base regarding whether leaders within the U.S. DV movement are incorporating the human rights discourse into their language, strategies and/or intervention practices and, if so, in what fashion they are utilizing human rights as a framework.

This research project utilizes qualitative inquiry and critical ethnography to explore elements of the human rights discourse primarily at the leadership level within various international, national, regional, and/or local DV coalitions and organizations. It also examines the discourse used by national leaders and stakeholders in U.S. human rights field and social work to help identify whether and in what manner stakeholders in these interrelated fields are utilizing and/or resisting this framework.

*Contemporary Domestic Violence Issues in the US: A Brief History*

*“Rediscovering” Domestic Violence in the US*

In 1966, the National Organization of Women (NOW) was established, initially taking up women’s issues such as childcare and pay equity. It was not until 1977 at the International Women’s Year Convention that intimate partner violence became a “women’s issue.” The “rediscovery” of intimate partner violence is attributed to radical feminist organizations and consciousness-raising groups. It was during these groups that women began to speak about their private lives and their experiences of abuse (Dobash & Dobash, 1992; Pleck, 1987).

The domestic violence movement was a natural outgrowth of the radical feminist rape crisis movement given the commonalities for both issues: misogyny, psychoanalytic perspectives that blamed women for their abuse, public apathy, and political viewpoints that discounted and discredited both social problems as irrelevant and inaccurate. The shelter movement, influenced by Erin Pizzey, founder of Chiswick Women’s Aid in England, began in 1974 with the opening of Women’s Advocates in St. Paul, MN. Although not the earliest women’s refuge in the US, it was the earliest shelter to develop due to the influence of the contemporary women’s movement. By 1982, there were 300 domestic violence shelters, which seemed, by their very existence, to confirm that domestic violence was a significant social problem. The movement that started as a grassroots effort became increasingly

“professionalized” and structured, as shelters became “legitimate” social service agencies. It was at this time that some of the originators of the shelter movement left in discouragement (Dobash & Dobash, 1992; Haaken, 2003; Pleck, 1987).

Legislation to fund shelters and victim advocacy work and to criminalize domestic violence and penalize perpetrators was also developing during this period. What was a previously “hidden” social issue was propelled into the public sphere of the U. S. consciousness, gaining significant attention during this period. While there are a few sources that explore domestic violence history and issues prior to the 1970s, there is a plethora of writing, research and theorizing regarding domestic violence subsequent to the 1970s. A comprehensive review of the complex issues that have been raised regarding DV over the past 30 years is well beyond the scope of this overview; instead, I will focus on briefly identifying a few of the continuing complexities and contested issues within the field.

### *Debating Definitions*

Wife abuse, wife battering, domestic violence, and intimate partner violence are all terms that have been used to name the problem over the years and are all open to debate and challenge. The terms *wife abuse* and *wife battering* were more commonplace earlier in the history of naming the issue when the majority of the focus was on married, heterosexual partnerships that were traditional, “acceptable” unions. *Domestic violence* became a more inclusive term in the mid 1970s when the Ann Arbor, MI NOW chapter organized a Domestic Violence/Spouse Assault Task Force,

redefining the term to include girlfriends and partners rather than only wives (Pleck, 1987). Although the term domestic violence could include same-sex partners, this issue was not at the forefront in the early years of the movement. Recently domestic violence has been used to describe not only violence between intimate partners but also violence towards children, between siblings, and towards parents. The term *intimate partner violence* has been used to more clearly specify the nature of the relationship being defined, yet this term has also been challenged because the term *intimate partner* often implies a sexual relationship which may not accurately define all partnerships. Regardless of this weakness, this term appears to have gained relatively widespread acceptance. Recently, the term *human violence* has been suggested, often in an attempt to “degender” the issue (Berns, 2001).

The meaning of *violence* has also been open for debate over the years. The general public is more likely to understand violence to encompass physical and perhaps, sexual, assault; while individuals in the field of DV normally ascribe a broader array of actions to violence to include verbal and emotional abuse (Dasgupta, 1999; Pence & Paymar, 1993). Recent critique has suggested that when working with women who have experienced abuse it is necessary to listen to their experiences and their own “labels” for their experiences (Hamby & Gray-Little, 2000). Others in the field also advocate for greater specificity in naming abuse to provide greater accuracy in defining the nature and scope of violence within partnerships (Johnson & Ferraro,

2000). The issue of accurately defining violence also raises the question of who perpetrates DV.

*Gender Symmetry: Are Women as Abusive as Men Are?*

The most often cited study that has brought the issue of gender symmetry and women's violence to the table is a study by Straus, et al. This study was published in 1980 based on findings from the 1975 National Family Violence Survey and reports that violence in intimate relationships is equally proportional between men and women (Dasgupta, 1999). Subsequent studies have also been cited to support this claim though they continue to be contested by feminists and others who believe that the studies do not take a number of critical issues into account, such as self-defense and the extent of physical harm done by men as opposed to women (Berns, 2001; Dasgupta, 1999; Johnson & Ferraro, 2000). Arguments for gender symmetry in the analysis of DV suggest that men underestimate abuse towards them by their partners out of shame while women overestimate abuse in an attempt to serve their best interests (Kimmel, 2002).

Resolving the issue of gender symmetry/asymmetry is a challenge because resolution would require an assurance that statistics describing incidents of violence are completely accurate. Given that domestic violence continues to be hidden in many homes and communities, and is potentially underreported, guarantees of accuracy are difficult to obtain. Those who oppose the argument of gender symmetry contest that current statistics continue to reveal that women are the victims of DV more often than

men are and sustain injuries that are more serious (Berns, 2001; Johnson & Ferraro, 2000).

Berns also suggests that the attempts to “degender” the issue of intimate partner violence utilize strategies to “degender” the violence yet “gender the blame” (2001, p. 269). These strategies include “(1) highlighting women who are abusers, (2) holding female victims responsible for their role in their own victimization, (3) critiquing the social tolerance for women’s violence but not for men’s violence, and (4) blaming battered-women advocates” (Berns, 2001, p. 269).

#### *Etiology of Domestic Violence*

There are numerous theories that attempt to explain the causes of DV that are more comprehensive and complex than the historical explanations of sinfulness, drunkenness, and feeble-mindedness (Pleck, 1987). Over the past 30 years, the theories have primarily developed from either a micro or a macro perspective. In a review of the primary theories, Jasinki (2001) included the following individual or micro theories (a) social learning theory, (b) psychological pathology of batterers, (c) evolutionary/physiological perspectives, (d) alcohol as a primary cause, and (e) exchange/resource theory. The social problem or macro theories reviewed include (a) feminist theory based on the role of patriarchy, (b) family violence theory, (c) the subculture of violence theory, (d) cultural acceptance of violence, and (e) stress caused by sociocultural influences. There have also been recent attempts to explain violence against women within a more dynamic, inclusive framework. These combined micro

and macro theories include (a) a gender and violence perspective that blends both the feminist and the family violence perspective, (b) a male peer-support model that identifies the influence of both social/patriarchal factors and individual factors such as alcohol use, and (c) the social etiological model that suggests that both systemic inequalities and personal “distortions of reality and morality” contribute to the use of violence towards women (Jasinki, 2001). These multidimensional theoretical perspectives appear to be an attempt to dissolve the individual/social dichotomy and develop a more diverse and inclusive explanation for DV.

### *Interventions*

A prominent theme throughout the past 30 years has been the dialogue regarding the criminalization of battering and how the legal system should address domestic violence. This debate picks up where the corporal punishment debate left off in the early 1900s (Pleck, 1987). If DV is seen as a criminal act, the focus of reform falls into the legal arena, in which there have been numerous, significant changes such as mandatory arrest policies and the Violence Against Women Act (VAWA). Somewhat of an anomaly in the current realm of social and political debate regarding intimate partner violence is the Violence Against Women Act (Library of Congress, n.d.). This package of legislative measures is considered by most people involved in the field as an important step towards legally addressing the issue of violence against women. The VAWA, passed in 1994, (a) supports enforcement of out-of-state protection orders; (b) criminalizes stalking and domestic violence that occurs across

state lines, on tribal lands and in U. S. territories; (c) provides gun control laws; (d) provides protection to immigrant women; and (e) creates federal grant programs to provide funding for programs assisting victims (Valente, Hart, Zeya, & Malefyt, 2001).

An important aspect of some feminist positions regarding violence against women has been that criminalization and prosecution of battering has helped to legitimize women's experiences of abuse. While there is agreement in terms of the need to validate women's experiences of violence, opponents suggest that a simplistic law and order approach may not be the most empowering for all women (Mills, 2003; Presser & Gaarder, 2000).

One critique of legal intervention for DV is that the move towards mandatory arrest in most states has disempowered women as it leaves them no choice regarding prosecution. Both mandatory arrest and "no-drop" policies in which the state presses charges, not the victim, were developed to counteract the tendency for some women to drop charges or retract once their partner has been arrested. Additionally, mandatory arrest was an important shift towards accountability. The criticism of mandatory arrest, in addition to no longer allowing women a choice, is that it has created a new problem of determining who to arrest and has often led to dual arrests which can often obfuscate the issue (Bohmer, Brandt, Bronson, & Hartnett, 2002; Mills, 2003; Presser & Gaarder, 2000).

An additional concern related to legal intervention into cases of domestic violence is the intersection of the criminal and civil justice systems. This is particularly salient when Child Protective Services (CPS) becomes involved in the lives of families in which DV has been identified. Some of the significant challenges that have been examined in light of CPS and DV include women being held accountable for stopping their partner's violence and being charged themselves with "failure to protect," which then can serve to conflate her actions and experiences with that of her abusive partner (Risley-Curtiss & Heffernan, 2003; Schechter & Edelson, 1999).

The responses to battering from the legal/punishment perspective include arrest and prosecution, mandated batterer treatment and/or restraining orders. In contrast, the rehabilitative perspective aligns more closely with that of mediation and/or interventions for both the batterer and the victim/survivor. Critics of legal remedies suggest in addition to disempowering women, arrest and prosecution may in effect create more danger for women and may not truly be targeting the underlying causes of domestic violence, especially in light of the fact that arrest and prosecution have not had the desired effect on reducing the incidence of domestic violence. Another important aspect of arrest and prosecution is the disproportionate impact legal intervention has on communities of color, both in terms of higher rates of arrest and prosecution for men of color and increased marginalization, violence against, and

stigma for women of color who become involved in the legal system (Bohmer, et al, 2002; Incite, 2006; McKendy, 1997; Presser & Gaarder, 2000).

While initially mediation appeared to support women's empowerment by allowing women to solve their own problems, it brought with it another set of problems based primarily on the mediation agenda of reconciliation. Since reconciliation is the primary goal of mediation, it also restricts women's decision-making power. Mediation also serves to "neutralize" the issue by redefining the victim and perpetrator as "complainants" which can take the focus off the actions of the perpetrator and suggests mutual accountability. Once engaged in mediation the victims/survivors also normally have no other recourse since they often have to agree to take no further legal action before initiating the mediation process (Mills, 2003; Presser & Gaarder, 2000).

Restorative justice is related to mediation in some ways, yet often expands beyond mediation to include a variety of different responses. Restorative justice has been viewed by some as the complete opposite of retributive justice which is based solely on punishment, and as a feminist criminal justice response as opposed to an authoritarian response (Daly, 2002). Given the on-going debate about the effectiveness of traditional criminal justice approaches in alleviating DV, restorative justice might seem to be an ideal response to the problem, yet there are both strong proponents and opponents. Proponents of restorative justice suggest that the inclusion of the larger community is a way to continue to break the silence that surrounds DV and to create

greater community awareness and involvement in standing up to violence against women (Braithwaite & Daly, 1998; Pranis, 2002). Additionally, restorative justice has often been based on indigenous communitarian approaches such as Maori and Navaho circles (Braithwaite & Daly, 1998; Coker, 2002) and has been seen as having the potential to adapt more readily to diverse cultures and communities as opposed to retributive justice that has often disproportionately targeted communities of color (Coker, 2002). These interventions are seen as differing from a strictly retributive justice response to domestic violence which serves only to punish the offender (Braithwaite & Strang, 2002).

Opponents suggest that some of the primary problems with restorative justice include (a) the potential for reprivatizing DV by keeping the offender out of court, (b) the potential lack of victim safety, (c) denying the on-going nature of DV rather than treating it as an isolated one-time act, and (d) the possibility that men who batter their partners may both “get off” easier in restorative justice and/or may see restorative justice as a less serious response and therefore may not take their violent actions seriously. Additional critique suggests that involving “communities of care” in sentencing could inadvertently involve members of either the offender’s or victim’s support system who will support the offender’s violence and blame the victim as opposed to holding the offender accountable (Busch, 2002; Coker, 2002; Hudson, 2002).

### *Intersectionality*

From the beginning of the women's movement, the dominant message has been that domestic violence cuts across all class, racial, ethnic, religious, and cultural boundaries. This message has a tendency to prioritize gender while, at times, obfuscating the complexities of other social positions and experiences of oppression. Crenshaw (1989, 1994, 1997) is recognized as introducing intersectionality as a theoretical construct in which the multiplicity of social locations are examined as opposed to privileging one over another, such as prioritizing a gendered analysis over an analysis based on race/ethnicity for example. Other women of color have also contributed to these early dialogues, including Gloria Anzaldua, Cherri Moraga, and bell hooks, to name a few (McCall, 2005). In contrast to the position which suggests DV should be examined solely from a gendered perspective, some research has developed exploring the possibility that domestic violence occurs with greater frequency among populations with less education and those with economic and occupational instability (McKendy, 1997). Some would argue that arrest and prosecution is higher among certain groups due to racial and class bias and privilege (Incite, 2006; Mills, 2003); while others suggest certain risk factors influence the use of violence. There is also evidence that women of color and/or immigrant women may underreport abuse due to fears of increased social stigma and/or the danger of being deported (McKendy, 1997; Presser & Gaarder, 2000). Additionally, the already staggering arrest and incarceration rate for African American men may discourage

African American women from reporting abuse as they attempt to hold onto some sense of community stability (Incite, 2006; McKendy, 1997; Mills, 2003; Presser & Gaarder, 2000).

In addition to the issue of over representation of people of color and people of lower socioeconomic status within the criminal justice system, services for victims of domestic violence have been questioned and scrutinized more recently. The question of how women's shelters can most effectively meet the needs of the diverse populations they serve is one such example.

#### *The Evolution of Women's Shelters*

From the early grassroots organizations, often housing women in personal residences, to over 2000 shelter and domestic violence programs available today, the movement to provide services to survivors of domestic violence has grown dramatically. Shelters have often evolved into multi-service agencies offering both services to women who experience violence and to male perpetrators (Pleck, 1987; Sullivan & Gillum, 2001). One of many questions that these agencies are beginning to explore is the issue of public versus private shelters. In a recent review focusing on shelters in the US, Haaken and Yragui (2003) reported that out of 1558 known shelters, 135 shelters have published addresses. As Haaken and Yragui note, shelters were originally designed to be, "an exclusively female world, created by and for women" (p. 55). The critique that is being brought to bear on these confidential shelters is that by remaining confidential the shelters may, in some ways, be

replicating the hidden nature of DV. Additionally, women of color are often reluctant to go to a shelter that may sever their ties with their communities and their social support network. The movement to consider making shelters public and to create shelters specifically for women of color has been a recent attempt to recognize the diverse community needs of battered women. One example of this approach to shelter services is Casa Esperanza (House of Hope) which is an open shelter that was established for Latina women in the Portland area in 2000 (Haaken & Yragui, 2003). Creating public shelters requires strong community support and commitment, which are critical components in the domestic violence movement. How community support is established and what influences the public views about DV is another complexity for the movement to contend with and is influenced in part by the media.

#### *Media Portrayals of Domestic Violence*

When domestic violence was “rediscovered” in the 1970s the US public was fed sensationalized pictures and stories, and, while likely true, they primarily played into the public fascination with sex and violence in the media. As is often the case, domestic violence, like many other issues, goes in and out of vogue in the mainstream media. High profile cases such as those of Hedda Nussbaum, Lorena Bobbit, and Nicole Simpson bring the issue back into the public consciousness, only to have it fade into the background once again (Alcoff & Gray, 1993; ; Maxwell, Huxford, Borum & Hornik, 2000; McDonald, 1999).

Some commentary suggests that the media primarily portray battering as an anomaly that is perpetrated by deviants, which can serve to distance the public from the issue and keep the public personally disengaged while they voyeuristically look on from a safe distance (Caputi, 1993; Kozol, 1995). Other commentary points out that the media often perpetuate the either/or dynamic of women as either helpless victims or desperate killers who can only “win” if they kill their batterer. Some examples of these portrayals can be found in *The Burning Bed*, *Sleeping with the Enemy* and talk shows such as Oprah Winfrey (Alcoff & Gray, 1993; Maxwell, et al, 2000; McDonald, 1999; Kozol, 1995).

A study of national newspaper coverage of domestic violence both before and after the O. J. Simpson case revealed that in the three papers studied, *The New York Times*, *Philadelphia Daily News*, and *The Inquirer*, a Philadelphia daily, there was a pre-O. J. trend of reporting about social issues related to domestic violence, yet the majority of the stories continued to focus on an individual perspective. These stories most often placed the responsibility on the woman to leave the relationship rather than on the batterer to discontinue his abuse. They also found that *The New York Times* published a larger number of pieces on domestic violence in the period after the O. J. Simpson case had resolved, while both *The Inquirer* and *The Philadelphia Daily News* went back to the pre-O. J. reporting levels once the story was no longer being followed in the news (Maxwell et al., 2000).

The way the media present domestic violence significantly impacts public discourse, which, in turn, can affect the dialogue regarding the issues such as class and race/ethnicity issues in domestic violence, women as abusers and how domestic violence should be addressed legally and socially. When victims of domestic violence are either “helpless” or “murderers” and perpetrators are either prominent media figures who are acquitted or “psychopaths,” the media distorts the issues and perpetuates myths and stereotypes. How the public understands and addresses domestic violence in the future, both in the US and internationally, will likely continue to shift and change dependent upon the social, political, and cultural context in which it is viewed.

#### *Continuing the Dialogue*

The U. S. Department of Justice Statistics reported in 2003 that 85% of all domestic violence victimizations in 2001 were women and that domestic violence accounted for 20% of all violent crime in 2001 (Rennison, 2003). Although markedly down from 1.1 million nonfatal cases of violence against women in 1993 to 588,490 cases in 2001, these figures would suggest that domestic violence continues to be a significant social problem in the US. While there has been a dramatic shift in legal and social service remedies to address the issue, a predominant characteristic within the movement, especially throughout the last 30 years, has been to polarize and debate almost all of the relevant issues. This includes debates about criminalization, how to define abuse and abusers, what causes abuse and how to create appropriate

interventions to eliminate abuse. While the debates may stimulate action and creativity, they can also serve to obscure the issues and overwhelm the public. Perhaps it is time to take a “postmodern approach” (Mills, 1996, p. 265) to the issue and to stop attempting to categorize and dichotomize every element of domestic violence.

While I strongly support expanding the dialogue with regards to domestic violence and acknowledge that the field of domestic violence is quite broad, for the purposes of this project I found it was necessary to create some boundaries and working definitions.

### *Violence Against Women, Domestic Violence and Human Rights Defined*

#### *Violence Against Women*

The United Nations *Declaration on the Elimination of Violence against Women*, (DEVAW) which became a General Assembly Resolution on December 20, 1993, defines violence against women as

...Understood to encompass, but not limited to the following:

- (a.) Physical, sexual, and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b.) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- (c.) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs (U.N., 1993, Article 2)

As can be seen from the above definition, the U.N. has recognized VAW as occurring within both the public and private spheres, perpetrated by either individuals or the State.

While the Declaration is not binding in the same fashion as the *Convention to Eliminate Discrimination Against Women* (CEDAW) which was adopted in 1979 (Charlesworth, 1994), the Committee to Eliminate Discrimination against Women, which oversees the implementation of CEDAW and makes general recommendations, proposed and accepted *General Recommendation 19* in 1992 in preparation for the 1993 World Conference on Human Rights. *General Recommendation 19* states that violence against women—individual and State violence and public and private violence—is to be considered discrimination against women as defined in CEDAW Article 1 (CEDAW, 1992).

Given that there has been a consensus through international committees and conventions on the Declaration's definition of VAW, this will be the working definition that will be used throughout the paper. Whether various cultural groups define VAW in a different fashion and whose voices may have been left out of the international dialogue regarding VAW are critical questions to raise and may be illuminated with future research. This future research could examine the impact that the universalizing language and international human rights law has had upon various groups—particularly groups that either may be less represented in the international human rights arena or groups that may have a different construction of human rights.

### *Domestic Violence*

As indicated in the above definition of VAW, physical, sexual, and psychological violence occurring in the family is one possible form that VAW can take. For the purpose of this paper, domestic violence is defined as such and includes violence between intimate partners—married and non-married and violence perpetrated by previous partners. While domestic violence can be perpetrated by both males and females and in both heterosexual and same-sex couples, the primary focus in this exploration is male to female violence in heterosexual couples. This is not to discount other forms that domestic violence can take but rather to place boundaries upon the definition. Defining domestic violence and its course and etiology has been a contentious task in the United States (Dobash & Dobash, 1992; Ferraro, 1996; Schechter, 1982). While domestic violence is generally recognized by those in the DV movement to be based in gender power differentials (Dobash & Dobash, 1992; Schechter, 1982), there is also the argument that domestic violence must be understood in a broader framework of oppressions (Bograd, 2005; Crenshaw, 1994; Incite, 2005, Renzetti, 1994). For this reason, gay and lesbian domestic violence is not specifically addressed in this paper due to the additional complexity involved in understanding an even greater number of intersecting oppressions (Renzetti, 1994).

Additionally, domestic violence will be defined as a sustained experience of violence—physical, psychological, and/or sexual—as opposed to an occasional isolated act of violence. Johnson has defined this type of domestic violence as

“patriarchal terrorism” as opposed to “common couple violence” (Johnson, 1995, p. 286). Again, this distinction is not meant to suggest that occasional acts of violence should be acceptable but to clarify that the term domestic violence is used to define an on-going experience of violence based in a power differential that has origins in gender-based inequalities.

### *Human Rights*

In 1948 the U.N. General Assembly created the *Universal Declaration of Human Rights* which was seen as a first step in the development of an “international bill of human rights” (U.N., 1978, p. 1). The Declaration, while not binding, set in motion the development of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) and the *International Covenant on Civil and Political Rights* (ICCPR). Taken together, these covenants provide the basis for what are seen as “human rights.” The ICCPR provides individuals protection from “cruel, inhuman or degrading treatment” (U.N., p. 2), prohibits slavery and “arbitrary arrest and detention” (U.N., p. 2). This covenant also provides individuals with the right of “life, liberty, security and privacy of person” (U.N., p. 2), the right to freedom of religion, speech, assembly, emigration, association, and the right to a fair trial. The ICESCR primarily provides individuals with rights to living conditions that guarantee food, health care, education, social security, work, adequate wages, and living conditions, and the right to form and join unions (U.N., p. 2).

Often human rights are categorized into “three generations,” although it has been suggested that this may be an artificial system that has limited usefulness (Reichert, 2003). Within this categorization there are “negative” and “positive” rights—the rights contained within the ICCPR are considered “negative,” i.e. they primarily restrict the actions of the State. The rights contained within the ICESCR are considered “positive,” as they delineate living conditions and resources that should be made available to all individuals. A third generation of rights contained within the 1948 *Universal Declaration of Human Rights* includes the collective rights of all individuals that are assured through solidarity among all nations so that one nation does not engage in behavior that could negatively affect another nation’s members. This would include issues of environmental protection and international economic development. Reichert indicates that these rights are much less fully developed than the positive and negative rights that are contained within the ICESCR and the ICCPR (2003, p. 20).

Women’s human rights have been framed both as political and civil rights and as socio-economic rights (Ashworth, 1993; Bunch, 1993; Freeman, 1993) although there have been criticisms that priority has been given to political and civil rights rather than socio-economic rights (Bunch, 1993). Applying the ICCPR to women’s human rights, Article 3 states that “The State Parties to the present Covenant undertake to ensure the equal rights of men and women to the enjoyment of all civil and political rights set forth in the present Covenant” (U.N., 1978, p. 22). Article 2 of

the ICESCR states that “The State Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant” (U.N., 1978, p. 11). CEDAW is a document that ultimately holds ratifying states accountable to recognize that women’s rights are protected under the ICCPR and the ICESCR in addition to providing a framework in which ratifying states are held accountable to change cultural norms that oppress women (Freeman, 1993).

### *Transnational Social Movements*

Transnational social movements (TSMs), while not necessarily new, have dramatically increased over the last 15 to 20 years, in part due to the end of the Cold War, increased challenges due to globalization, and increased communication technology. As multilateral organizations such as the World Trade Organization and the North American Free Trade Alliance were established to address transnational development, TSMs have continued to grow to address the social, economic, and environmental changes that multilateral organizations and corporations have wrought. These movements have also grown in conjunction with the increased role of the United Nations in addressing human rights, peace, and environmental issues (Smith, 2004).

“Collective identities” arise when groups form collective goals and agendas transnationally and have included human rights, economic justice, peace, and women’s issues (Smith, 2004, p. 318). To shift from a national movement to a transnational movement some TSM organizations need to find a way to “reframe” their claims to fit within the global context. As the discourse about social problems is reframed, it is important to develop a greater understanding of how movements reframe and what determines what the prevailing global discourse is at any given time.

As there has been a growth in scholarship related to TSMs, there has been increased dialogue related to how movements are named and defined. Naples (2002a) reviews some of the “politics of naming” (p. 4) related to terms such as *transnational*, *international*, *global*, and *grassroots*. Delineating some of the arguments asserted by Grewal and Kaplan and Alexander and Mohanty, Naples points out that preference for the term transnational rather than global is based in the desire to move away from Northern hegemony related to “global sisterhood” (p. 5) and to suggest a more diverse and collaborative interchange that affords women from all regions agency relevant to their personal context rather than a Northern conceptualization of agency (2002a). Based on these conceptualizations, I will be using the term transnational throughout this paper.

One of the primary avenues for growth and exchange of ideas for TSM organizations has been U.N.-sponsored conferences, especially the numerous conferences held in the 1990s (Ferree & Mueller, 2004; Smith, 2004, p. 322). These

conferences have been seen as avenues for training, resource exchange, and networking and as targeted arenas for the development of national and local political campaigns. In addition to the U.N.-sponsored conferences, additional meetings have occurred both in preparation for the conferences and parallel to the conferences with the strategy of “piggy-backing” on international meetings employed by many TSM organizations (Smith, p. 322-323).

Keck and Sikkink (1998) suggest that the transnational women’s movement or “international women’s networks” were almost completely aligned with the U.N. conferences beginning in Mexico City in 1975 and culminating in Beijing in 1995. While they do not believe that the conferences actually created the networks, they indicate that the high profile nature of these conferences helped to create legitimacy for the claims and issues that were prioritized by women’s movements globally (p. 168-169). A question that remains is if this alignment was truly transnational or simply an alignment of the countries and organizations that were represented at the U.N. conferences.

One critique of the importance that has been given to the U.N. conferences is that not all social movement organizations are able to attend and/or actively participate primarily due to financial constraints but also due to restrictions on NGO participation in the conference activities (Mertus & Goldberg, 1994). This exclusion results in even less representation from organizations based in poorer regions of the South and in a “reframing” of issues to more closely resemble issues of importance to the wealthier

North (Stienstra, 2000). Steinstra has suggested that increased activity in the 1990s by women's caucuses using both "regular channels" and the internet has allowed for greater participation in the U.N. conferences and in pre-conference meetings (p. 215). While participation in the women's caucuses increased from the 1994 International Conference on Population and Development in Cairo from approximately 1,000 participants to over 1,300 groups participating in the women's caucus at the 1995 Fourth World Conference on Women in Beijing, tensions were still apparent between the North and the South. Although the caucuses provided a venue for greater participation in the conferences, the leadership of the caucuses tended to be maintained by groups from the North. Participation in caucus activity is still often driven by location and economics as the work is primarily done by volunteers and is often centered in New York (Steinstra, p. 216). Although participation by organizations from the South has increased throughout the 1990s which may be a result of increased funding by the U.N. and other groups to support greater inclusiveness in the global conferences (Smith, 2004, p. 323), Northern dominance is an issue that needs to be addressed if the activity of the U.N. and the U.N.-sponsored conferences are to continue to have a significant influence on transnational social movement activity.

## *Universalizing Violence against Women*

### *Linking Women's Rights with Human Rights*

Although the issue of women's rights in a human rights context had been identified earlier through CEDAW which was adopted in 1979 (Charlesworth, 1994, p. 1), it appears to have been taken up in earnest in the late 1980s and early 1990s with the work of Charlotte Bunch, director of the Center for Global Issues and Women's Leadership. Bunch's oft-cited 1990 essay, "Women's Rights as Human Rights: Toward a Re-Vision of Human Rights," suggests that the Northern concept of human rights devalues the rights of women, particularly socioeconomic rights, while placing more importance on rights of free speech and press which are of greater value to men and to individuals in more developed countries. Bunch outlines four ways in which human rights and women's rights can and should be linked to one another: (1) women's rights as political rights, (2) women's rights as socioeconomic rights, (3) women's rights and the law, and (4) feminist transformation of human rights. Bunch indicates that feminist transformation of human rights allows for human rights concepts and perspectives to be altered to be more applicable to violations that occur in women's lives. She suggests that both issues of socioeconomic rights and violence against women are critical to the well-being of women and that states should be held accountable for the more "private" abuses directed towards women. One point Bunch makes in examining women's rights and the law is that CEDAW failed to address

violence against women in a significant manner because at that time CEDAW did not specifically describe violence against women as an issue of discrimination against women nor did ratifying states need to report on issues related to violence against women (p. 79).

In 1992, *General Recommendation No. 19* was added to CEDAW, which more explicitly addressed the issue of violence against women with the statement, “Gender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men” (CEDAW, 1992, ¶ 1). The Committee to Eliminate Discrimination against Women indicated that all State parties’ reports to the committee did not “adequately reflect[ed] the close connection between discrimination against women, gender-based violence, and violations of human rights and fundamental freedoms” (CEDAW, 1992, ¶ 4). As a result of this deficit, the committee proposed *General Recommendation No. 19* to provide a more specific linking of violence against women and discrimination so that State parties would address the issue of VAW in their reviews and reports to the committee.

Subsequent to this addition was the development of the *Declaration on the Elimination of Violence against Women* at the 1993 World Conference on Human Rights in Vienna. The declaration was developed through input from preparatory conferences held in Africa, Latin America and the Caribbean, and Asia in addition to recommendations made by nongovernmental caucuses (Sullivan, 1994, p. 152). Sullivan notes that the resolution drafted by the African regional meeting was

precedent-setting with regards to the idea of the universality of human rights and the issue of cultural norms and traditions. This was apparent with the statement that governments had the responsibility to “protect women from all forms of violence and traditional practices of intolerance and extremism, particularly religious extremism, affecting their rights and freedoms” (as cited in Sullivan, p. 153).

The Vienna *Declaration and Program of Action* applies to all members of the United Nations though, as a General Assembly resolution, it is non-binding. CEDAW, in contrast, is a treaty, yet has not been ratified by all states, including the United States. The states that have not ratified CEDAW are not accountable to international law regarding the treaty (Charlesworth, 1994, p. 2). Although non-binding, the Declaration has been viewed as a significant step in the attempt to universalize concern about violence against women.

Regarding the invocation of culture (i.e. cultural relativism), the Declaration asserts that “(s)tates should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination” (U.N., 1993, Article 4). The Declaration also provides recommendations for states regarding intervention into violence against women, which include the development of legal sanctions, resources to eliminate violence and support NGOs in their work against violence, data collection and research, and education (Charlesworth, 1994, p. 3). One outcome of this Convention and Declaration was the appointment of Radhika Coomaraswamy as the first Special

Rapporteur on Violence Against Women whose role is to investigate and report on issues related to violence against women.

*Transnational Networks: Why Violence Against Women?*

Given that there is a multiplicity of structural problems that perpetuate women's oppression, especially in developing countries, why is it that violence against women became the hallmark of the Vienna convention? Mertus and Goldberg (1994) suggest that there was a growing emphasis from all regions of the world to focus efforts on violence against women, stating:

As this awareness [of the pervasive nature of violence against women] crystallized in the minds of women throughout the world, a common understanding emerged in the work of women advocating for women's rights protection. Violence against women has been segmented and sequestered out of the public discourse on human rights, just as its occurrence has been kept hidden from public scrutiny (p. 209).

Given this awareness, Mertus and Goldberg (1994) indicate that it was inevitable that women would unify around the issue of violence against women because "no meaningful human rights program could fail to address it" (p. 209) and it was an issue that essentially all women could agree on and support. Although they report virtually unanimous support for the platform, a group of Arab women lobbied at the convention in Vienna for literacy to be included, yet this request was ultimately denied for strategic reasons. In the hopes of gaining acceptance for the violence against women platform, the Women's Caucus did not want to include additional concerns, fearing that "straying" from the agenda of violence against women would compromise their position and would not be accepted given the history of the U.N.'s

reservations about women's rights (p. 208). In addition, the historical climate at the time of the Vienna convention may have been another factor in placing violence against women at the forefront of the dialogue given that there had been significant media coverage and public outcry regarding the systematic rapes of women in the former Yugoslavia (p. 210).

What was left out and/or silenced given the singular focus of violence against women were the issues of "literacy, gender segregation, discriminatory divorce, and citizenship laws" (Mertus & Goldberg, 1994, p. 210)—issues that may have been of more salience to women from developing nations. Mertus and Goldberg suggest that not only were these issues excluded from the platform and the preceding dialogue, but women who were unable to attend conferences and international planning sessions, yet who were working on women's and/or human rights in their countries, were essentially shut out of the conversation. The pressure to maintain a singular focus on violence against women and the exclusion of more structural issues such as poverty appeared to be strategic in terms of using violence as a stepping-stone to open up dialogue yet also may have been an agenda that privileged Northern feminists could agree upon. These activists may have seen violence as more pressing given their privileged status and lack of personal experiences with issues such as dire poverty and literacy.

Yumi Lee (1997) provides an insightful critique of the singular focus on violence against women and on Northern representations of violence. She points out

that while “Section D” of the Beijing Document from the Fourth World Conference on Women states that low socioeconomic status of women can be seen both as causal and as an effect of VAW, the document does not go on to elaborate on issues of economic oppression and state policies that perpetuate women’s oppression through economic, structural, and political means. She suggests that there are four categories of violence—direct, indirect, regressive, and alienating—and yet the Beijing Document fails to address any violence other than direct violence in its focus on sexual violence and domestic violence. Pointing out that up to 70% of the world’s most extremely poor are women, Lee remarks that “(w)hile it is simple to frame laws to charge husbands who abuse their wives, it is not as simple to deal with the economic violence of capitalism” (p. 50).

Given that there are clearly other issues of importance to women, how did the platform of violence against women gain such a stronghold and appear to take precedence over foundational issues such as economic oppression which create the bedrock upon which violence against women is perpetuated? Keck and Sikkink (1998) suggest that certain patterns are clear in the development of a transnational movement which includes (1) increased global awareness, (2) a coalescing of this awareness when a “target” emerges—such as the 1993 World Conference and the Beijing Conference, and (3) a “condensation symbol”—such as the rapes in former Yugoslavia (p. 181). Also, during this emerging movement substantial funding from the Ford Foundation in the late 1980s supported NGO formation and growth while

also creating an asymmetric system that favored the United States and Europe (Keck & Sikkink, p. 182). The Center for Women's Global Leadership, located at Rutgers, was also a catalyst to the women's human rights campaign. Explaining the choice of violence against women as a platform, center materials stated "...it (violence) crosses national, class, racial, age, and ethnic lines" and an alliance working on violence against women provides "unique opportunities to build bridges across cultures, to learn from similarities and differences, and to link strategies globally" (as cited in Keck & Sikkink, p. 184).

Specifically examining the linkage between human rights and domestic violence in the international arena, Hawkins and Humes (2002) provide a theoretical model which combines elements from social movement theory and international socialization to suggest how this movement grew in the 1990s. They outline a model that consists of leaders, followers, and nonconformists in the international human rights/domestic violence movement using the Americas as an example of how the interaction of "policy windows" and international socialization of normative behaviors provide the opportunity for social movements to take hold (p. 241). Identifying certain "policy windows" in the United States, including the shift in the administration in the early 1990s and the persistent undercurrent of the grassroots battered women's movement that had managed to stay afloat in a previously unfavorable political climate, the US became a clear leader in the Americas by enacting significant federal legislation criminalizing domestic violence. With the signing of the Violence against

Women Act in 1994, the US set a clear agenda in terms of responding to domestic violence while, at the same time, international norms were being developed through the 1993 Vienna Convention (Hawkins & Humes).

Starting with the Decade of the Woman through the Beijing Human Rights Convention a significant transnational movement to gain international acceptance of “women’s rights as human rights” has taken place. The large-scale and visible conventions and the declarations and platforms that were developed helped to legitimize the human rights agenda. In searching for a unifying agenda, the issue of VAW became a hallmark of these conferences. What has been the impact of creating a transnational universalizing framework through which to frame VAW and particularly DV?

### *Challenges in Implementing a Universal Framework*

While the idea that violence against women and domestic violence are violations of women’s human rights seems at face value to be an accurate and viable framework, it is necessary to question how it can be applied to individual communities in a way that is empowering and takes into account local and regional history, political structure, and culture. How various cultures construct their ideas about family, marriage, rights, law and violence are some of the factors that must be examined in order to understand the practicality of applying a universal framework to local

contexts. The following examples suggest that by examining such complex issues as Muslim political frameworks, Hawaiian constructions of the etiology of domestic violence, the changing political landscape in Russia and power differentials between the North and South we can illuminate the need to critically analyze the universal application of the human rights framework to domestic violence.

*Human Rights Law and Muslim Law—Two Systems in Opposition?*

Lisa Hajjar (2004) explores three political frameworks in the Muslim societies—communalization, nationalization, and theocratization through which the interaction of state power, *shari'a* (Islamic law), intrafamily violence, and women's rights struggles can be analyzed. By revealing the complex and diverse nature of Muslim societies, Hajjar suggests that the universal human rights discourse may be ineffective and colonizing. Hajjar points out that over the past 25 years there have been two important historical factors operating, possibly with counter purposes—the Islamic movement, tied often to nationalism with the goal of social order and preservation of religion, culture, and “patriarchal family relations” (p. 6) and the women's rights/human rights movements which have been mobilizing internationally and throughout the Middle East, Africa, and Asia. In terms of the domestic violence movement, the issue of gender equality versus social stability becomes a contested space in many Muslim communities. As women's rights advocates position gender equality as paramount to the elimination of domestic violence and Islamists position

hierarchical gender relations as legitimate under *shari'a*, and necessary for social order—it seems an impasse emerges.

Hajjar (2004), temporarily “bracketing” the issue of whether the interpretation of *shari'a* is accurate, examines the issue of harm versus right in the context of *shari'a* and then raises the question of the historical and social contexts in which Islamic law has been interpreted (p. 7). Religious law is communalized in some states whereby personal status laws that regulate family relationships are governed by different religious groups. In these states religious law is invoked in each individual case concerning family relationships with power vested in the religious leader or institution as opposed to the state (p. 20). The purpose of providing autonomy to each religious community is a way to promote stability in a country that is religiously pluralistic (p. 32). In countries where the official religion is Islam and the state uses religious law to inform and guide policies, the dominant interpretation of *shari'a* is often used to challenge state authority. In theocratic countries, *shari'a* is state law. Hajjar sees all three forms as oppressive to women and, in some instances, to men, when citizens' rights are defined by dominant interpretations of religious texts (p. 32). The issue of cultural relativism is significant in this context; cultural relativism, the interpretation of actions and beliefs based on individual culture, has contributed to a longstanding debate in the human rights arena when “culture” is invoked to justify oppression (Ishay, 2004). While Hajjar does not support cultural relativism with regards to issues of domestic violence and the safety of women, she presents an important analysis by

revealing the complexity within Muslim countries, suggesting the importance of understanding how a universal international “law” sanctioning violence against women has different meanings in different contexts.

### *Intervention within a Local Context*

To avoid Northern cultural imperialism, it is important to understand and contextualize DV interventions. Merry (2001), in her study of three varied approaches to domestic violence in Hilo, Hawaii, explores both the import/export of Northern ideologies/hegemonies and the counter-approach of applying indigenous knowledge. The Alternatives to Violence program is a feminist-based batterer intervention program that was developed using the Duluth Model, a mainland U. S. model of domestic violence intervention developed in Duluth, Minnesota in the late 1970s. The second model grew out of the Pentecostal Christian church movement and the third model, *ho’oponopono*, is an indigenous problem-solving/healing process.

Merry (2001) traces the historical developments of the three intervention models in Hilo, identifying different conceptualizations of the etiology of violence and the intervention into violence which are apparent in all three models. The Christian intervention and the *ho’oponopono* intervention share some similar foundations in terms of the identification of supernatural powers being solely or partially responsible for violent behaviors. The Duluth Model strongly supports men to be accountable for their use of violence and places violent acts into the context of “power and control,” believing that men use violence to maintain dominance over their partners (p. 49).

Interestingly, the juxtaposition of these three interventions reveals a local response to domestic violence that places the issue of secular versus religious intervention and beliefs once again at the forefront of the debate. In addition, the *ho'oponopono* intervention has been incorporated into other responses to domestic violence in the form of restorative justice (p. 74). Restorative justice programs, which often depend on community involvement and hold the perpetrator accountable on a community level, have been developed in both Northern and indigenous communities based on indigenous practices.

Both Merry's (2001) research and the ongoing debate about the applicability of restorative justice to DV suggest that it is critical to engage in continued assessment of the effectiveness of interventions and to avoid the assumption that what "works" in one location should be "exported" to another location. Although adopting a universal framework with which to understand DV does not automatically suggest the adoption of a universal intervention for DV, we should remain cautious of this probability as suggested by Hemment's (2004) research in Russia.

#### *Exporting "Best Practices"*

Reporting on 19 months of ethnographic fieldwork in Moscow, Tver', and Pskov, Hemment (2004) critiques what she sees as Northern attempts to universalize women's experiences with domestic violence by examining the influence of the transnational women's movement on the development of women's crisis centers in Russia. Because post-communist Russia, like all nations, has a unique history, it

follows that the women in Russia would prioritize needs in a specific manner relevant to their own history.

Hemment (2004) suggests that the increase of Northern funding to Russia during the early transitional years and the ease with which violence against women can provoke outrage and mobilize women on an international front were contributing factors in the development of crisis centers in Russia as this provided both funding and a unifying cause. By the mid 1990s, crisis centers began to follow the established Northern framework in which to respond to domestic and sexual violence against women, using a "blueprint" supplied by the transnational women's networks (p. 824).

These crisis centers did seem to have some resonance locally but not in the way Northern feminists would construct them; mostly they were seen as a way to address the crisis the entire society seemed to be experiencing due to the fall of communism (Hemment, 2004). One women's advocate in Tver' envisioned a crisis center as an "anti-crisis center" (p. 826), a place where women could come for support regarding economic or workplace discrimination. Other centers adopted a Northern or "international standard" (p. 828) as a crisis center framework yet responded to local needs with broader programs, focusing little on domestic/sexual violence. Over time, Hemment witnessed that pressure to conform more closely to a Northern model came from funding sources and NGO staff and donors. In the case of the ideal of the "anti-crisis" center in Tver', the Northern model "won out" (p. 830) and Zhenskii Svet was

created as a domestic violence and sexual assault crisis center, backed by transnational women's movements and funding sources.

Hemment (2004) followed the development of Zhenskii Svet for four years, indicating that the director of the program reported that women who used the crisis line did not often call to talk about domestic and/or sexual violence. In the first couple of years of operation, the director of Zhenskii Svet indicated that she would prefer to offer a broad array of services that would truly meet the needs of the clients (p. 832), yet this focus appeared to narrow by 2000. Hemment reports that the center director seemed to shift her perspective and identify more fully with the "crisis center narrative" (p. 833) although the calls from clients themselves did not necessarily reflect this change.

In 2001, Hemment reported that in speaking with the directors of the crisis centers—Oktiabrina from Zhenskii Svet and Lena from a crisis center in an adjacent community—uncertainty and lack of conviction were present. This ambivalence regarding the services and focus of the crisis center seemed to revolve around the expectations of outside funding sources with Oktiabrina reporting that funding agencies appeared to be losing interest in domestic and sexual abuse programs while gaining interest in addressing issues of sex trafficking. Summarizing the influence international funding sources have had on the development of social services for women, Oktiabrina indicated, "We have to be like chameleons to please the foundations. Even if you don't want to take it [trafficking] on, you have to!" (p. 834).

*Transnational Advocacy Networks: Collaboration, Colonization, or Both?*

Transnational advocacy networks (TAN) are defined by Keck and Sikkink (1998) as a group of

...relevant actors working internationally on an issue who are bound together by shared values, a common discourse and dense exchanges of information and services... Activists in networks try not only to influence policy outcomes but to transform the terms and nature of the debate (p. 3).

Using this definition it seems necessary to ask, "Do women's and/or feminist transnational advocacy networks truly share 'a common discourse'?"

Sperling, Ferree, and Risman (2001) in a case study of Russian-American women's seminars that took place in 1994 to create a "women's agenda" (p. 1164) suggest that TAN offered positive and reciprocal gains for both the Russian women's groups and the American trainers, yet also point out a number of challenges that suggest a lack of a common discourse. In examining the Russian-American dialogue, Sperling et al. indicated differences between the American women and the Russian women were apparent in response to the ideals of "feminism," with many women's groups in Russia focused on mobilizing women, yet with few groups explicitly mobilizing to "target changes in gender relations" (p. 1165). Another challenge was the lack of understanding on the part of the American women of Russia's lack of an infrastructure to support political mobilization and the necessity to mobilize primarily on a grassroots level in light of these structural problems (p. 1172). These challenges that arise from different social, political, and historical contexts may contribute to the

lack of a “common discourse” as a foundation for transnational advocacy networks to be successful.

Sperling et al. (2001) also identified challenges that could be traced to external funding given that in the mid 1990s, over half of the women’s groups that they interviewed were receiving foreign funding and very little local funding. Often grant requests were seen as more “legitimate” when funding requests were placed in a Northern framework and internal struggles to secure funding often created fragmented and small single-focus groups vying for the limited amount of money available (p. 1175).

In an ethnographic study of two domestic violence workshops in Tanzania, Susan Hirsch (2003) examined the power differential between the donors and the recipients. She concluded that although there were examples of disregarding the local context, attempts to universalize experiences of domestic violence, and positioning of the United States as more evolved in its response to domestic violence, there was also an attempt on the part of the workshop leaders to collaborate. Hirsch identified ways in which the trainers worked to build a participatory exchange with the workshop participants and attempted to maintain a position of collaborator rather than expert. Based on her findings Hirsch suggests that it is critical for scholars and researchers to continue to examine how global power dynamics shape micro-level interactions and that addressing violence against women can only be effective if local historical and sociocultural perspectives are taken into account.

### *Domestic Violence as a Human Rights Violation*

As one form of VAW, domestic violence has been framed as a human rights violation in recent years. As with other forms of violence that are considered “private” placing DV into the human rights framework is not without challenges.

Radhika Coomaraswamy, the first U.N. Special Rapporteur on Violence Against Women suggested three ways in which states are obliged under international law to address DV or be held accountable for human rights violations (2000; see also, Beasley & Thomas, 1994). Based on *General Recommendation 19*, DEVAW, and the Rodriguez judgment by the Inter-American Court of Human Rights<sup>2</sup>, Coomaraswamy suggests that states are obligated to demonstrate “due diligence to prevent, investigate and punish international law violations and pay just compensation” (2000, p. 10) in cases of domestic violence. CEDAW states that public officials and organizations must not discriminate against women and that states must take measures to create legislation and eliminate practices that are discriminatory (CEDAW, 1979). These articles of CEDAW are used as the basis for the argument that women should receive equal protection under the law (Coomaraswamy, 2000, p. 10). Based upon due diligence and equal protection under the law, the argument is that DV needs to be treated as any act of violence would be treated within the criminal justice system as opposed to the “public/private” dichotomy that has prevailed in the past.

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<sup>2</sup> In the Velasquez-Rodriguez case the state was found responsible for a human rights violation perpetrated by an individual living within the state. (Velasquez-Rodriguez Case, 28 ILM 291, para. 166 (1989); Case 7615 Inter-Am. Ct. H.R., OAS/ser.L/V/II.66, Do

In addition to the legal model that links DV to a human rights violation under international law, Coomaraswamy and others (Amnesty International, 2005; Copelon, 1994; Roth, 1994) have suggested that DV be linked to acts of torture and should be treated as such under the ICCPR and the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. The link between DV and torture has been made using the argument that DV constitutes torture because

- (1) it causes severe physical and/or mental pain
- (2) it is intentionally inflicted
- (3) it is for specific purposes
- (4) there is some form of official involvement (i.e. state involvement), whether active or passive (Coomaraswamy, 2000, p. 10).

Amnesty International, citing DEVAW and the ICCPR has also taken the standpoint that DV is a form of torture by stating “when states fail to take the basic steps needed to protect women from domestic violence or allow these crimes to be committed with impunity, states are failing in their obligation to protect women from torture” (2005, ¶ 10).

The public/private debate comes to the fore repeatedly when examining DV and the role of the state in intervention. Roth (1994) supports the use of a human rights framework for DV yet recognizes some of the legal and theoretical complexities that arise when applying this framework. In tracing the history of Human Rights Watch and Amnesty International, Roth suggests that these principal human rights organizations historically took a more narrow view of the ICCPR to investigate only politically motivated abuse, yet, according to Roth, there is no basis for this narrow

reading of the ICCPR and the interpretation should be extended beyond that of politically motivated abuse. He proposes that abuse that is not only perpetrated by State actors can be addressed within the context of the ICCPR (p. 329).

A second theoretical problem in placing DV in a human rights context is, as mentioned above, states cannot be held accountable for any individual act of violence which suggests that there are limits to the legal argument. Roth (1994) argues that states can be held accountable for private violence in DV situations using the theories of complicity and responsibility by omission. He outlines a number of instances in which Human Rights Watch intervened in situations of private violence based on the theory that the state is obligated to protect citizens and suggests that by not acting the state is implicitly condoning the acts of violence. Although the ICCPR does not delineate that states are obligated to protect citizens from private violence, Roth suggests that a broad reading of certain articles such as the right to not be “arbitrarily deprived of [one’s] life” (as cited in Roth, p. 330) can be interpreted to encompass public and private violence.

Roth (1994) indicates concern with the manner in which some feminist theorists have used the idea of state complicity in DV which is based in the theory that DV subordinates women and, as such, DV crimes should be addressed as human rights violations because they overwhelmingly target women through systematic subordination as opposed to general crimes that do not target a specific group. Roth’s critique of this argument is two-fold. First, by arguing that DV is a human rights

violation because it systematically subordinates women as opposed to other “common crimes” (p. 332), suggests that other crimes that subordinate a group of people should be included. Using this argument, the power of international law to address human rights violations will be diluted and reduced simply to an argument of crime control (p. 332). He also believes that by singling out women as a protected class, the basis for human rights as a universal construct is then called into question and could have detrimental consequences (p. 332).

Roth (1994) goes on to suggest an alternative to the theory of state complicity by omission by examining the issue of discrimination which Coomaswamy (2000) also takes up in her piece. He suggests that equal protection under the law is violated in states with limited DV legislation and criminalization. Using the anti-discrimination provisions in the ICCPR (as opposed to CEDAW), Roth cites three pertinent articles—primarily focusing on Article 26 which states:

All persons are equal before the law and are entitled without discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (p. 334).

Using a discrimination approach to link DV with human rights violations would avoid the problem of either an over-dependence on international legal bodies to promote crime control or attempting to place women in a special class while at the same time calling upon “universal” rights. What would be necessary is to document

systematic discrimination to prove that in situations of domestic violence women are not receiving equal protection under the law (Roth, 1994).

Zorn (1999) addresses the applicability of human rights law to DV in regards to the question of universality versus cultural relativism and suggests a number of ways in which local contexts and culture can be respected while still using the human rights framework. One observation she makes is that some post colonial cultures such as Native Americans have argued that DV is a product of colonialism and not a cultural tradition that should be preserved. She also suggests that culture is not a static entity and, as such, should not be preserved if the cultural "traditions" that are in question are oppressive and violating to members of that culture or specific community. Additionally, the dynamic nature of cultures is also more complex as cultural groups migrate and cross national boundaries which suggest the difficulty in determining which cultural custom should be prioritized over another. An additional argument that Zorn makes is that customary law developed in many nations during colonial rule tended to be based on customs that privileged colonial rule and/or male dominance while ignoring other customs and therefore, does not accurately represent contemporary customs of various cultures.

### *Can a Human Rights Framework be Colonizing?*

Does bringing the issue of domestic violence into a global context vis-à-vis a human rights framework reinscribe Northern hegemonic feminism in ways that are either ineffectual or oppressive and colonizing to women in developing countries? The human rights framework privileges individual rights above the collective/family and suggests that there is a universal acceptance of the concept of autonomous rights while this is a Northern, not universal construct. Group rights or the rights of a collective body are often marginalized by Northern discourse, which places claims for collective rights into the category of “tradition” while privileging the autonomous individual above the collective (Grewal, 1999, p. 341).

Another way in which the human rights discourse and the privileging of the U.N. conventions and treaties could be problematic is the tendency of advocates in the North to place themselves in a role of “rescuer” for those in the South who are victims of human rights violations. From this position of “rescuer” the U. S. and other Northern countries marginalize the practices and people of developing countries as “backwards” and in need of guidance. For example, in the United States VAW has often been framed as a public health issue rather than a human rights issue while VAW in developing countries has been framed as a human rights abuse (Grewal, 1997).

Even if framed as a human rights abuse, universalizing domestic violence as a “global” agenda for all women is not without problems. Grewal (1997) astutely points out the danger of decontextualizing domestic violence both in how “domestic” and “violence” are defined and understood and how the issue is best approached. Additionally Grewal points out that not only is it necessary to contextualize domestic violence when placing it in an international human rights framework, on a national level, women of color have, for close to two decades, critiqued the U.S. domestic violence movement for its lack of a comprehensive approach to domestic violence (see also Crenshaw, 1994; Incite, 2005, 2006; Sokoloff & Pratt, 2005) and for its almost exclusive focus on a “crime control discourse” (Ferraro, 1996). If the United States cannot seem to “get it right,” how is it that U.S. activists and scholars are in any position to dictate how other countries address domestic violence?

### *Implications for Social Work in the United States*

Elisabeth Reichert (2003) suggests that within the US social workers have not explicitly embraced the human rights framework in the same manner that social workers in other countries have. Basing her analysis on the U.S.-based National Association of Social Workers (NASW) Code of Ethics, Reichert indicates that while the code does not specifically mention human rights, it echoes many of the same ideals as human rights documents. She posits three factors are at play in the reluctance of

U.S. social workers to engage more actively in the human rights dialogue—a social justice rather than human rights perspective, a tendency to equate human rights solely with political rights, and a local worldview rather than a more international perspective in policy and practice (p. 7-8). Examining the Universal Declaration of Human Rights, the ICCPR and the ICESCR McCormick and Reichert (2003) apply each Article to social work ethics and practice—building a compelling argument along the way.

If social workers in the US are already supporting human rights in their work—whether explicitly or implicitly—what role do they have in the critical examination of DV as a human rights violation? One argument is that social workers play a significant role in the framing of social problems and in developing interventions to address the social problems they help to define. If placing DV into a human rights context has indeed become part of the dominant discourse about DV, it is important that social workers engage in critical thinking about the implications of this framing to help illuminate the benefits and challenges of this framework. For example, framing DV as primarily a criminal justice issue in the US has had a damaging impact on some individuals, particularly from marginalized groups such as women of color and immigrant women. One problem is that the criminal justice framework involves them in the criminal justice and/or child welfare system in which they are already over-represented, which can result in an avoidance of reporting DV incidents (Ferraro, 1996; Incite, 2005). Identifying the limitations to certain

frameworks has implications not only for defining social problems but for the interventions that are developed as a result of the agreed upon framework. While placing DV in a human rights context may appear on the surface to be beneficial, some cultural groups may be disproportionately targeted by the use of the human rights framework and the framing may create an over reliance on legal interventions which needs to be critically assessed in examining the dominant discourse of human rights.

As U.S. social workers are being supported to increase their engagement on a global level, it becomes even more critical that social workers gain greater understanding of global/international issues. Arguing for an expanded focus on global issues in North American schools of social work, Caragata and Sanchez (2002) suggest the importance of internationalizing social work curricula. Social problems such as world hunger, environmental changes, and development must be understood by social workers so that they can move beyond their myopic vision of social problems and develop a more global context for issues that transcend borders (p. 218). Increased understanding of global social problems can support social workers to engage in reciprocal learning with persons from other countries—not the traditional “exporting” of Northern knowledge into developing countries—which allows for collaboration and an increased understanding of local and universal issues. Moving beyond “internationalization” of the social work curriculum, Rotabi, et al. (2007) suggest that the US social work curriculum requires globalization which they describe

as a broader construct that can include not only relationships between nation-states but a concept of the world as an entity that is interconnected and interactive. Human rights are included in their recommended globalized curriculum particularly related to social policy and values and ethics for social workers.

### *Further Questions*

Using a human rights approach to DV appears to have gained legitimacy and salience over the past 15 years yet the question remains, how has this reframing influenced the field of domestic violence prevention, intervention, and advocacy and what has been gained and lost by using this new framework? Has the North driven this linkage of DV with human rights and, if so, how has this linkage influenced understandings of DV in developing nations? Has the dramatic rise in transnational organizations related to VAW and DV been helpful for developing nations to create their own social change agendas or has the North unduly influenced the course of these agendas? How have developing nations resisted or accepted the influence of the mainstream Northern DV movement with respect to the framing of the problem of domestic violence and the development of policies and programs aimed to reduce and eventually eliminate DV?

While these questions primarily have an international focus, they are the questions which have framed and influenced my interest in the issue of the alignment

of the human rights framing of VAW, particularly with DV. This research project proposes to use the US as a starting point to create a foundation from which the broader international questions may be explored in a future study. Additionally, a critical perspective will require that specific attention be placed on the use of this discourse within marginalized communities and thus, will employ the symbolic differentiation of North and South as opposed to the geographical differentiation (Dirlik, 1997).

### *Research Questions*

This study explores the manner in which leaders working in the domestic violence field in the U. S. have or have not adopted a human rights framework and what impact this has had on domestic violence policy and intervention. Additional research objectives include assessing whether there is active resistance to adopting a human rights framework and benefits and challenges to using the framework. Using the critique and experiences of women of color as a focal point, the research questions that have guided my inquiry include:

1. Is a human rights framework being used within the US and, if so, how has it been applied?
2. What are the benefits and challenges of using a human rights framing of DV?

3. How have the proponents of the movement to frame violence against women—particularly domestic violence—as a human rights violation supported use of this framework within the US?
4. If the human rights discourse is being put to practical use within the US, how does it meet the needs of women of color, immigrants, and other women who have been marginalized?
5. Does bringing the issue of domestic violence into a human rights framework reinscribe hegemonic feminism in ways that are either ineffectual or oppressive and colonizing to women of color, immigrants and/or women in marginalized groups in the US and if so, in what ways?
6. If there has been active resistance to applying the human rights framework to DV in the US, what are the policies, statements and practices that demonstrate resistance?

## Chapter 2

### Research Methods

#### *Research Location*

In order to begin to address these questions, I chose to locate my inquiry within the United States where I am geographically located and where I have been grounded in my DV and social work practice. I have had close to ten years' experience working in the domestic violence field in the Pacific Northwest, primarily at the practice level located at a mid-size community mental health agency serving both men who engage in violence towards their partners and women who have experienced violence from their intimate partners. This experience included engaging in extensive training in the *manalive* and *womanalive* domestic violence intervention model pioneered by Hamish Sinclair and subsequent intervention development to meet the particular needs of the clients that we served. Additionally, I worked with two to four other professionals to develop the DV program within our community which included community advocacy and program development through the local criminal justice, mental health, and child protection systems.

I also approach this project identifying as a feminist with an affinity for postmodern feminism that embraces social criticism in the context of multiple oppressions (such as race/ethnicity, class, gender), promotes the ideal of individual agency and empowerment, and recognizes the importance of a social critique that is

contextualized culturally, historically, and locally (Fraser, 1997; Fraser & Nicholson, 1988). I acknowledge that my identification as an educated Caucasian woman of Western European descent contributes to my own perspective and position in approaching this research project. My past experience in the US domestic violence field and my relatively privileged social position clearly influence my subjectivity as a researcher—giving me an “insider’s” view into some of the salient issues within the U.S. DV field while also placing me outside of the experiences of certain marginalized groups—such as women of color and women who experience poverty and lack of access to education. While I believe this “declaration of whiteness” (Ahmed, 2004, p. 1) is important to clarify how my own privilege influences my experiences, my observations, and how I structure the research, this declaration is also problematic. Ahmed has pointed out that the act of making whiteness visible may actually replicate the white privilege which critical whiteness studies are seeking to dismantle by recentering whiteness and by suggesting that if a white person can actually name and see their whiteness, they are essentially not claiming that which cannot be seen (whiteness), and therefore the declaration is non-performative. Using Austin’s definition of performative, “the issuing of the utterance is the performing of an action,” (as cited in Ahmed, 2004, p. 4), Ahmed suggests that “anti-racism is not performative” (p. 4). A further example is given in which an anti-racist declares, “I am racist,” yet if racism is seen as “unwitting and collective prejudice” (p. 7), then the declaration of awareness of racism is, in fact, a negation of that position. For those

working within critical whiteness studies and/or examining white privilege the issues of recentering and essentializing whiteness are just two of the recurrent concerns addressed by some (see Dyer, 1997; Fine, Powell, Weis, & Mun Wong, 1997; Frankenberg, 1993, 1997) and while beyond the scope of this study, my own “anxious whiteness” (Ahmed, p. 3) remains part of my location and my research. This anxious whiteness describes the anxiety that I and others who engage in addressing white privilege admit to—the fear of what may happen if the analysis of whiteness and white privilege becomes again that which is centered and privileged (Ahmed). By marking myself as white I do not want to position myself as “the good anti-racist” who, by naming herself as such has done what is necessary and can move on, yet at the same time, if I avoid the acknowledgement, I believe I become that much more an accomplice to white supremacy. What I can do is remain vigilant regarding the pitfalls and privileges inherent in this position and direct my attention to examining how privileged, hegemonic feminist thought has driven some of the discourse regarding domestic violence.

In terms of geographic location, examining the human rights/domestic violence discourse from and within the US is advantageous in that some of the primary figures and organizations in this movement are located within the US and may have driven the direction that the movement has taken. Additionally, the US has a unique position in the human rights arena due to its history of championing human rights yet choosing to ratify only a few of the various human rights conventions. There is limited knowledge

about whether U.S. domestic violence coalitions and organizations are using a human rights framework (S. E. Merry, personal communication, October 27, 2005). This poses an interesting question about the role of the US as part of an international movement to adopt a human rights framework as it relates to VAW and DV and whether the US has actually adopted a human rights perspective itself. This project may also provide a foundation for further research regarding specific locations that are engaging with or resisting the human rights discourse within the US and to begin to look beyond the US to answer some of the previous questions that were posed regarding the role of the US in promoting the human rights framework.

### *Theoretical Framework*

This study utilizes a critical theory framework and qualitative research methods. Postmodern or constructivist qualitative inquiry is based in the belief that there is no essential "truth" that can be discovered regarding human experiences. The researcher's subjective experiences are considered part of the research process as opposed to a problematic threat to research validity. This leads to a primary tenet of qualitative inquiry which is the idea that all research is value-laden. Constructivist qualitative inquiry considers the process to be one of co-construction between the researcher and the participants and the focus is on emic understanding which arises

from the participants rather than etic understanding which is based on operationalized categories and definitions provided by the researcher (Morrow & Smith, 2000).

Kincheloe and McLaren (2000) indicate that qualitative inquiry that is grounded in critical theory is based in the “critical hermeneutic tradition” (p. 285) which posits that hermeneutic interpretation is “making sense of what has been observed in a way that communicates understanding” (p. 285). Within the hermeneutic tradition there is no specific method or approach to interpretation yet there is a belief that “thick description” that is contextualized can create a much richer understanding of the issues that are being explored than can decontextualized, “thin” description. Knowledge is produced through a back and forth process by which the data are analyzed within the historical, social, and cultural milieu and from “parts in relation to the whole and whole in relation to parts” (p. 286)—creating a hermeneutic circle that has no specific point of closure.

The specific theoretical framework which overlays the principles of this qualitative inquiry is based in the poststructuralist feminist framework suggested by Nancy Fraser and Linda Nicholson (1988; see also Fraser, 1997). Fraser and Nicholson suggest that it is possible to develop a social theory that is temporally, historically, and culturally grounded in such a way as to reject the foundational and essentializing nature of grand narratives but which allows for a critique that can account for oppressive power structures based in systems such as racism, classism, and sexism, to name a few. This position, which Fraser later calls “situated social

criticism” (1997, p. 211) avoids what has been considered by some to be problematic within poststructuralism—the tendency to disallow any subject position and therefore the tendency to disallow agency. Within this theoretical framework it is also possible to recognize solidarity and the ability to develop a social movement response while still recognizing that social identities and perspectives are multi-faceted and subject to change.

Qualitative research methods provide a viable approach due to the emergent nature of this inquiry. Given that there is limited information regarding the use of the human rights framework within the U.S. DV movement, a qualitative approach that allows for a more open-ended methodology in terms of both data collection and data analysis will help to further illuminate the issue. A critical perspective based in postmodern feminist theory provides a theoretical framework that will help guide all levels of inquiry given that some of the pressing questions that have driven this project are based in concerns about Northern hegemonic feminist thought and whether this has been a dominant force in the women’s rights as human rights movement. Using Fraser’s (1997) ideas of “feminist discourse theory,” this project hopes to provide a historical understanding of the identity formation of the DV movement in light of a human rights framework, examine the process by which cultural hegemony may operate within the discourse, and help create a framework for emancipatory change.

Critical theory, with roots in Marxism, the Frankfurt School, and more recent theoretical perspectives of Habermas and Giddens, provides a broad framework from

which to employ critical ethnography. Kincheloe and McLaren (2000) suggest that a critical theory that is “reconceptualized” to take into account the current historical period is “concerned in particular with issues of power and justice and the ways that the economy, matters of race, class, and gender, ideologies, discourses, education, religion and other social institutions, and cultural dynamics interact to construct a social system” (p. 281). Using this framework it is possible to engage critical theory to help to identify and understand how power and privilege are instrumental factors in social and cultural settings.

Kincheloe and McLaren (2000) provide a broadened critical theory framework that moves beyond Marxist and neoMarxist critique to incorporate issues of gender, race/ethnicity, and power that resides in cultural structures and discourse. This “reconceptualization” (p. 281) of critical theory recognizes the varied forms and locations in which power operates and also recognizes the oppressive and emancipatory potential of power. Placing critical theory within a historical context, Kincheloe and McLaren make room for social theory that takes into account recent developments in poststructuralist, postmodern, feminist, and critical race theory. This reconceptualized definition of critical theory offers a broad lens through which to explore the use and/or rejection of the human rights framework within the U.S. DV movement and the ancillary cultures of the U.S. human rights movement and U.S. social work.

### *Critical Ethnography*

Ethnography attempts to create a picture of a culture, whether that culture is a community, an organization, or a classroom. Maintaining some aspects of conventional ethnography such as the use of observation, interviews, and document analysis to gather data, qualitative data analysis, and a preference for developing grounded theory, critical ethnography can also be differentiated from conventional ethnography. Critical ethnography seeks to examine issues of social injustice focusing on how social control, power, stratification, and inequitable distribution of social, cultural, and economic resources are integral to the understanding of the culture that is being explored (Carspecken, 1996). Where conventional ethnography seeks to “describe what is; critical ethnography asks what could be” (Thomas, 1993, p. 4). Engaging a critical theoretical perspective, a goal of critical ethnography is to identify how power circulates within a given cultural context and to move beyond identification to provide an understanding of the possible origins of repressive power dynamics and to suggest ways to create resistance (Thomas, 1993).

Carspecken (1996) outlines a five-stage model for conducting a critical ethnography which was used as a guiding model in this study and which includes: (a) creating a primary record using monological data, (b) preliminary reconstructive analysis of the primary record, (c) dialogical data generation, (d) discovering system relations, and (e) using system relations to explain findings (p. 41-43). Carspecken

suggests that the five-stage model can be viewed cyclically, with the researcher returning to earlier stages as data collection and analysis proceed. The primary record was created using observation from national DV and HR organizational website material and from previous experience working in the domestic violence field. Preliminary reconstruction of the primary record was used as the information gathered through observations helped to inform the choice of participants to interview and the questions and topics that were explored during the interviews. Dialogical data generation proceeded through the interview process when information was gathered in a co-created manner with participants.

Stages four and five address the relationship between the culture being studied and other social systems (Carspecken, 1996). This project conceptualizes the leadership of the U.S. DV movement as the culture of study—primarily through national coalitions and organizations and stages four and five were applied by examining relationships among various DV groups and the relationship between the DV movement and human rights. Carspecken describes the Cultural Circuits Model (p. 184) using a modification of a model created by Richard Johnson. This model identifies cultural “products” as “everything that results from a meaningful act” (p. 185) and identifies four main points: (a) the conditions of production, (b) the autonomous possible meanings of the product, (c) interpretations given the product by various cultural groups, and (d) the effect of the product on routine activities of various cultural groups (p. 185). Viewing the linking of human rights to DV as a

“cultural product,” this model supplies a framework through which the discourse can be analyzed.

### *Autoethnography*

This project was initially conceptualized as a critical ethnography yet as I wrote, I found myself resistant to the idea of inserting a “token reflection” (Wall, 2006, p. 3) into the writing and so I “wrote myself in” to a larger degree. While this piece incorporates autoethnography, I would define it as a critical ethnography with an “autoethnographic twist,” as Dr. Wahab described it in one of our many conversations about this project.

Autoethnography is a methodological approach in which the researcher moves back and forth between an exploration of the culture and the relationship between the researcher and the culture. This approach can vary in terms of the extent to which the researcher engages in this reflexive process. These variations often have different names to delineate these differences such as reflexive ethnographies which focus more on the culture and use the voice of the researcher to reflect on the self-other relationship and native ethnographies in which researchers write about their own experiences related primarily to membership in marginalized or exoticized cultures (Ellis & Bochner, 2000).

### *Research Design*

The study explores how the framing of domestic violence as a human rights violation has influenced the field of DV prevention, intervention, and advocacy in the US as well as the advantages and disadvantages of the use of this discourse. Using a combination of interviews with key individuals from national, regional, state, and local domestic violence groups and coalitions, the inquiry began by exploring whether this framework is being utilized in the US and if there is resistance to this framework. Document analysis was completed primarily at the start of the study to assess if and how targeted organizations were using human rights language in their materials. Documents such as brochures and policy statements were accessed through agency websites and through contact with agency personnel. Additional sites of inquiry include the National Association for Social Work (NASW) and national and/or international human rights organizations to support a broader understanding of how and if this discourse is driven by and circulated within these organizations and to develop an understanding of the interaction among the organizations. Given that there is limited evidence as to whether this framework is being used throughout the US, this study focused on identifying leaders and stakeholders in the DV field to determine the extent to which this framework is being integrated into the discourse and if there is active resistance to the adoption of this framework.

### *Sampling*

Participants were initially chosen from national DV groups/coalitions that serve as umbrella organizations, focus on specific racial and ethnic populations, and/or direct the framing of U.S. DV policy and practice, and from national and international human rights organizations. Purposive sampling was done to insure broad representation of advocacy groups from throughout the country and from advocacy groups that work with specific populations. Forty-three percent of the groups that were initially identified as possible participants participated in interviews; the remaining 57% of interview participants were drawn from referrals from study participants. Participants were asked at the close of the interview for referrals of other professionals within the domestic violence field and/or human rights field who may have experience with using the human rights framework to address DV or who may be resisting the use of this framework. In both arenas I spoke with some participants who were more fully situated in the 'mainstream' of each movement and other participants who were speaking from more grassroots organizations and possibly from the margins of the movements.

The initial list of organizations that were invited to participate in the project included:

1. Amnesty International, New York, NY
2. Asian and Pacific Islander Institute on Domestic Violence, San Francisco, CA
3. Battered Women's Justice Project, Minneapolis, MN
4. Battered Women's Justice Project, Civil Branch, Washington, DC
5. Breakthrough USA, NY, NY
6. Community United Against Violence, San Francisco, CA
7. FaithTrust Institute, Seattle, WA
8. Family Violence Prevention Fund, Seattle, WA
9. Human Rights Watch, New York, NY
10. Incite: Women of Color against Violence, Oakland, CA
11. Institute on Domestic Violence in the African American Community, St. Paul, MN
12. Minnesota Program Development, Duluth, MN
13. National Association of Social Workers, Washington, DC
14. National Coalition Against Domestic Violence, Denver, CO
15. National Coalition of Anti-violence Programs, NY, NY
16. National Latino Alliance for the Elimination of Domestic Violence—Alianza, New York, NY

17. National Network to End Domestic Violence, Washington, DC
18. National Network to End Violence Against Immigrant Women, San Francisco, CA
19. National Resource Center on Domestic Violence, Harrisburg, PA
20. Pennsylvania Coalition Against Domestic Violence, Harrisburg, PA
21. Sacred Circle, the National Resource Center to End Violence Against Native Women, Rapid City, SD
22. United Development Fund for Women (UNIFEM), New York, NY
23. WILD for Human Rights, San Francisco, CA

To recruit participants, I initially contacted individuals by letter (Appendix A) to introduce the project. Initial contact was with the Executive Director at all formal organizations to provide consistency and to gain access within each agency. A follow up phone call was then made within 2 to 3 weeks of the introductory letter to inquire about their willingness to participate in the project. Follow up also included email inquiries on a number of occasions when an email was available and/or when the potential participant made contact and left an email address. Normally it required from one to five follow up contacts to either secure an interview or to determine that the potential participant was not available and/or interested in participating in an interview. Three participants declined to participate indicating that they did not believe that they had helpful information to offer or that they were too busy; one of the three participants referred me to a different staff member whom she believed to be

well-versed in my areas of interest. Four potential participants agreed to participate, yet I was unable to make contact to finalize plans for an interview and discontinued efforts after a number of months passed. One of these four signed a consent form and indicated that she was willing to answer the questions via email given time constraints yet after a number of attempts to follow up over a period of five months, I discontinued contact.

In the initial contact with potential participants, I described the purpose of the study and included a letter of consent (Appendix B). The introductory letter indicated that a follow-up call would be made to inquire about participation in the study. If the potential participant expressed interest in participating, I described the study in more detail and covered the main points in the letter of intent such as audio taping, length of interview(s), types of questions, transcript review, confidentiality, and use of quotes (see Appendix A). Individuals agreeing to participate in the study were asked to sign the informed consent (Appendix B) and to return the letter in the self-addressed stamped envelope that was enclosed in the introduction packet. At that point we scheduled a time for the phone/in person interview. Interviews took place from July 2006 through April 2007.

Given that the agencies of interest were located throughout the US, 22 (76%) of the interviews took place on the phone. I was able to schedule 7 (24%) on-site visits to allow for in-person interviews. At the close of the initial interview, I inquired about the participant's willingness to be contacted for clarification or for further information

as the research project proceeded; all participants agreed to be available if necessary. I sent one participant a follow-up question via email yet she did not respond to my inquiry. Participants were also told that I would send them a summary of the research project at the close and were offered both the complete transcript of the interview and/or the final dissertation if they were interested. Six of the participants requested a copy of the interview transcript and one participant requested the final dissertation; all others indicated a summary would be sufficient. Additionally, participants were informed that I would send them quotes that I chose to use for their approval. I indicated that I would be minimally identifying the source of the quote, primarily by field and perhaps by years in the field if pertinent.

*Participants.*

A total of 29 individuals from 28 organizations participated in interviews which ranged from 34 to 125 minutes in length with an average of 62 minutes ( $SD = 18.6$ ) and a total of 1810 minutes. I recorded and transcribed each interview. Thirteen participants were affiliated with domestic violence/anti-violence work; eleven with human rights work and five were coded as “combined.” The individuals in the combined category tended to have experience in domestic violence, human rights or both. Participants ranged in age from 27 years old to 63 years old with an average age of 47 years old ( $SD = 10.5$ ) and had worked in the field from 2 years to 34 years with an average of 18 years ( $SD = 9.4$ ) and a total of 549 years. Twenty-seven participants identified as female, two participants identified as male.

I inquired about race/ethnicity in an open-ended manner which resulted in 16 racial and ethnic categories. A majority of participants (62%) identified as people of color(s) including African American, Asian, Latina/Puerto Rican, Nez Perce Umatilla, Ojibwe, South Asian Indian, and multiracial. Others identified as Caucasian, European American, and Jewish American. The majority of the participants were born in the U.S. (66%) and most had traveled outside the U.S. in the context of their DV or HR work (79%). Participants had a range of educational background including some college and BA, MA, JD, Ph.D. degrees. The disciplines of study were relatively diverse with law being the most represented in the group (8 JD degrees). Other fields of study included social work (2), sociology (3), women's studies (3), political science (2), psychology (2), anthropology (1), public policy (1), economics (1), business (1), international affairs (1), public health (1), African studies (1), religion (1), and liberal arts (1). Many participants also had degrees in more than one field/discipline. They worked primarily in upper levels of the organizational structure, although a number of organizations, while national in scope were relatively small. I spoke with Executive Directors, Program Directors, Coordinators, Consultants, Policy Associates/Advisors, and Administrators/Managers. After five interviews I included a question regarding sexual orientation when one of my participants offered this identifying information; not all participants chose to answer this question yet out of 20 who did, 70% identified as heterosexual, 25% as lesbian, and 5% as queer/bisexual.

*Group comparisons.*

While in general the three groups appeared relatively comparable in terms of the demographic information that was requested, the following characteristics are noted for comparison purposes:

Domestic Violence

- Age range 27-60
- 1 male participant
- 2-31 years in field
- 69% identified as a person of color
- 15% JD
- Both social workers appeared in this group
- 38% identified as lesbian/bisexual; 63% as heterosexual

Human Rights

- Age range 30-63
- 1 male participant
- 6-27 years in the field
- 45% identified as a person of color
- 36% JD
- 22% identified as lesbian; 11% as queer/bisexual; 56% as heterosexual

### Combined

- Age range 41-59
- 4-30 years in the field
- 80% identified as a person of color
- 60% JD
- 100% identified as heterosexual

### *Use of Quotes and Identification*

My intention initially was to use the quotes from participants exactly as they were recorded and transcribed yet I found when reading them in that format they were sometimes a bit hard to follow given the conversational nature of the responses. For readability what I chose to cut out of the quotes were repetitious phrases and interjections such as “um.” I have attempted to stay as true as possible to the original quotes and all quotes used were sent to participants for approval.

Quotes are identified with the interview number and most often by participants’ field. I chose to keep identification minimal to protect confidentiality of the participants yet included interview numbers to aid in continuity and clarification.

### *Data Collection*

#### *Preliminary record.*

The preliminary record (Carspecken, 1996) was developed through use of previous literature reviews and observation of agency websites. These data were analyzed from the start of the project as Carspecken suggests in stage two—

preliminary reconstructive analysis—which then continued to inform the development of interview and research questions for additional data collection. Preliminary reconstructive analysis includes initial coding and development of themes and in this study began with the website observations and was informed by personal observations from experience in the field. These observations primarily provided a foundation for understanding the organizations and programs where the participants were employed so that the interview questions were relevant. Only one DV organization mentioned human rights in one of their website documents; this was specifically broached with the participant while the omission of any human rights language was explored within the interview dialogue with other DV participants. In terms of HR participants and combined participants, website observations also provided background as to whether the organization had any specific statements and/or material about DV on the website.

#### *Interviews.*

Stage three—dialogical data generation—occurred through participant interviews (Carspecken, 1996, p. 42). All interviews were audio taped with participant consent. Transcription of tapes and data analysis began as soon as the first interview was completed to allow for the grounded theory data analysis method of constant comparison (Strauss & Corbin, 1998) to be incorporated into the research project. The data analysis process was informed by the techniques of grounded theory data analysis yet the study does not move through the final stage of theory development. This process, which begins with microanalysis, helps to generate initial themes and

combines open, in-vivo, axial, and selective coding. Open coding is the process by which concepts are first identified within the data, at times using participants' own terms (i.e. in-vivo coding); axial coding is the process by which coding occurs "around the axis of a category" (Strauss & Corbin, p. 123) which assists in relating categories to their subcategories. The open and axial coding process continued as the gathering of interview data took place.

Throughout the data collection and analysis process I used ATLAS.ti (Muhr, 2004), a software program that supports the grounded theory method of data analysis. While ATLAS.ti does not perform the data analysis, it does provide data management functions and assists in the coding, comparison, and theory-building process. As interviews were transcribed they were then formatted and entered into the ATLAS.ti project database where all coding and organizing of the primary documents was completed.

The initial interview started with semi-structured and open-ended questions/topic areas (Appendices C & D) and ended with standardized demographic questions (Appendix E) which also included requests for referrals. Interviews all followed a similar structure with alterations made to the questions/topic areas as data analysis proceeded. Due to the emergent nature of the inquiry and to the nature of critical ethnography, the questions were altered as areas of interest and significance were uncovered in early interviews. While the primary questions remained consistent, as the interviews proceeded, they were informed by previous interviews. This process

was reflected by offering participants some of the previous responses to questions. This often served as a jumping off point for continued dialogue regarding previous responses and issues that had been raised.

### *Data Analysis*

Initially open coding proceeded with the first five interviews during which time numerous codes were generated. Some of these codes were used only once or only throughout one transcription whereas other codes were essentially duplications with slight variations in wording. During this period of open coding I attempted to refrain from editing ideas regarding codes to allow this segment of coding to proceed in a free form fashion to produce a large array of possible codes. After this initial open coding, I sorted through the five transcriptions and connected codes to begin to cull out duplications, merge codes and refine wording. This process reduced the number of codes from 213 to 105. During this period of data analysis I reviewed the codes with my peer reviewer and dissertation chair, Dr. Stephanie Wahab. These conversations focused primarily on examining what meaning I was attributing to the various codes and identifying numerous codes that had essentially the same meaning.

I continued open coding of the next five interviews primarily using the codes I had previously generated and adding anywhere from 1-5 new codes for each additional interview. During this phase I also began to make links between the codes which allowed relationships to be built among the codes and which could be used to generate pictorial representations of the links that were created. This process is a form

of axial coding, as what began to emerge during this time were ideas related to how certain codes might have connected to one another and to a larger categorical axis. The remaining transcripts were coded using the 100+ codes, during which time additional links were created. During this phase of the data analysis I presented early findings at a political science conference and engaged in discussion with audience members which aided in refining categories and defining relationships between codes.

As the initial round of open, axial, and selective coding was completed I moved from creating links to identifying code families rather than associations which seemed more salient. Codes were grouped together as a way to organize the large number of codes and to begin to assess the primary themes that were emerging from the data. A number of codes were placed in more than one family, suggestive of the overlapping nature of the themes that were being explored throughout the interviews. At this point I once again worked through the codes to determine if any codes could be merged with others as I did during the previous open coding process. As I did this I read through the quotes that were attached to every code and began to make memos, recording ideas about the quote and the code and marking specific quotes that stood out as reflective of certain ideas and themes. During this phase I reduced the number of codes from 165 to 77.

#### *Selective coding.*

Selective coding begins after much of the preliminary open, in-vivo, and axial coding are completed as the selective coding process integrates the major categories

into a larger, theoretical construct (Strauss & Corbin, 1998). Although this project does not presume to develop a larger social theory, selective coding was used to integrate and refine the coding schema and to create a more unified understanding of the data collected

#### *Journals.*

Data were also gathered in a journal which I kept throughout the research project. The journal contained reflexive elements such as personal reflections, ideas, values, and questions that came up throughout the process and supported continued examination of my position within the research (Rodwell, 1998). The journal also contained methodological elements which documented methodological decisions that were made throughout the research project. Research questions, sampling decisions, analysis decisions, and coding schemes and rules were included in the journal and then, eventually, in ATLAS.ti memos. Impressions or analysis of the data was recorded as a reflexive or methodological note as appropriate. The journal also contained field notes taken during all stages of data collection, yet the majority of the field notes were made at the start of the project and included observations of websites. Given that the interviews were recorded, the field notes were primarily documentation that occurred during passive data collection/observation.

#### *Authenticity and Trustworthiness*

I worked closely with Dr. Stephanie Wahab throughout the data analysis and writing process, meeting one to two times per month over a period of six months. Dr.

Wahab brought 17 years of experience in the DV field as a practitioner and researcher and a depth of experience and knowledge in qualitative research to the process. She read through five complete transcripts during the open coding process; these transcripts included a sampling of DV, HR, and combined interviews. As I proceeded through the various stages of coding Dr. Wahab and I discussed my analysis, coding process, and the development of larger thematic constructs. Additionally, data analysis proceeded through the writing phase during which I began to formulate my ideas regarding the primary themes that emerged from the interviews and made decisions about how to best describe and organize these themes. This process was aided in great part by on-going review of my early written pieces by Dr. Wahab. The process was a dynamic, back and forth process in which Dr. Wahab would ask questions related to my construction of meaning and the ways in which I was organizing the material which would often prompt me to rethink, redefine, and refine my concepts and my written analysis.

I also worked with a peer reviewer throughout the data collection and data analysis process who served as a “sounding board” with whom I explored steps taken, plans for future data collection, analysis, and any concerns about the research. The peer reviewer was chosen based on her knowledge of domestic violence and basic understanding of qualitative research methods. This reviewer has 10+ years working both “on the ground” in the DV field and in doing her own research related to domestic violence. Notes from this ongoing dialogue with the peer reviewer were

recorded in the journal. A peer reviewer helps the researcher maintain awareness of her subjectivity throughout the process (Rodwell, 1998) and, in this case, helped particularly with early open coding as I was beginning to assess the meaning of the data that had been generated through the interviews. The peer reviewer read through the same selection of five complete coded transcripts and which Dr. Wahab had read to allow for cross-dialogue regarding the coding schema.

Researcher immersion in the data also supports increased rigor (Morrow & Smith, 2000). All data collection, transcription, and data analysis was done solely by myself and, as such, provided complete immersion in the data.

Participant checks occurred formally with each interviewee who chose to review the complete transcript to ensure that the material that was gathered from the participant was understood correctly. The purpose of participant checks is for validation and accuracy of understanding and reporting of the material (Rodwell, 1998). Six participants requested complete transcripts and one participant returned the transcript with a few minor changes in wording. Participants were also sent chapters of the dissertation in which their quotes appeared for further confirmation. These chapters were sent out to 21 participants as I did not use direct quotes from all participants. I was unable to locate two participants; of the remaining 19, I received feedback from nine participants which was primarily that they approved the use of the quotes. Three participants added either a clarifying statement or requested that the wording of one of their quotes be altered somewhat and one participant questioned

whether she had made a certain statement. Four participants also requested notification of publications that may develop from this project indicating a desire to utilize the material in their work.

### Chapter 3

#### The State and Institutional Response:

“You can’t bite the hand that feeds you”

#### *Opposition*

I began formulating this research with a relatively clear idea about what I did not want to do. My own experience doing domestic violence intervention and supporting program development and interagency collaboration had given me a certain perspective on domestic violence. This was largely a microsystem view in that I worked with individuals, supporting them to envision shifting from a learned reality of power relationships based in dominant-subordinate gender roles to an ideal of non-hierarchical relationships. I wove in discussions about racism, classism, and political power when appropriate, yet the focus of the intervention was on individuals and was based on socialized gender roles. I supported the focus on gender yet by integrating other elements when I had the opportunity, I was beginning to open up to the idea that DV framing and intervention needed to be moving beyond solely a gender analysis to incorporate issues of power based in race/ethnicity, class, and sexuality to name but a few. Of course, unbeknownst to me at the time, these ideas were already becoming a part of the dialogue regarding DV (see Collins, 1998; Crenshaw, 1994, 1997). While I spent much of my time identifying my own experiences related to gender and power and working within the local community, I was not engaged in the larger

conversations that had begun in academia over the previous 3-5 years. Whether this was due to the fact that I did not seek it out, or whether it was emblematic of the fact that there is often a distance between the conversations being held in academia and printed in journals and the work “on the ground,” I am not certain. Perhaps, as is often the case, both aspects were at play. What I chose to see in front of me was the oppression of women based on gender and the oppression of the majority of the women and men I worked with based on socioeconomic status. The dearth of women and men of color in my community and my own whiteness and position of white privilege created a scenario where my focus was primarily on the gendered and, to a lesser extent, classed nature of DV.

While I worked at a private, non-profit community mental health agency, most of the women and men I worked with were referred to our services by Child Protective Services (CPS) and/or the criminal justice system. Because of this, my work gave me a picture of how these institutions, on a local level, viewed DV and interacted with individuals affected by DV. What I walked away with from my direct service experience, was a sense that women who were survivors of DV were often revictimized within systems that purported to assist them. While I was often inspired by women I worked with and the program I worked within, I needed to move on to look at the bigger picture beyond one local program. It was clear that I wanted to look beyond the program level at larger systemic issues related to the domestic violence movement.

After 8+ years of doing this DV work I began a doctoral program. I initially thought that I would develop a research project related to the revictimization of DV survivors within CPS with a focus on power and the replication of dominant/subordinate relationships that CPS engenders for survivors. It became clear early on that I was weary of looking at issues related to CPS. While I was grateful for my experience and would bring it into classroom settings, I did not want to focus my research on the child welfare system. This experience was draining and, as a result, I did not believe my research would be fruitful because my heart was not into it.

I shifted into looking at the trajectory of the domestic violence movement in the US and focused my attention on the revictimization of women, particularly women of color, within the criminal justice system. This focus developed based on my past experience with CPS in terms of the revictimization of survivors of domestic violence. Often what I witnessed was that women were being held even more accountable for the violence perpetrated against them than the men involved in the system, particularly if their partners were not the biological fathers. If they were the fathers, they were often present in meetings in which women would be told if they allowed the men back into their homes, the children would be removed. This often created a dangerous set-up in which the men knew how they could control the situation. I continued to be concerned about who was being served by the DV movement and it became clear that many groups of women were being left out and often hurt more, particularly by certain responses within the criminal justice system such as mandatory arrest and child

welfare responses related to failure to protect (Incite, 2005). Again, my primary focal point was the social, political, and economic power that the criminal justice system wields, particularly in the lives of communities of color. While examining this critique and the issues related to this was critical to my greater understanding of the movement, I chose not to develop a study based on this issue. This time it was not quite out of weariness, although I was, and still am, disheartened by what I perceive to be a lack of significant response to this critique by the mainstream DV movement. One pragmatic concern I had was that I did not want to be repetitive—I felt that the critique was well developed already and questioned what I could add. In addition to these concerns, a much deeper concern was that as a white woman, what did I really have to say about the issue of the revictimization of women of color by the criminal justice system that was failing to protect them from domestic violence and was often exacerbating the problem?

Eventually I stumbled onto the idea of human rights and began to look into the more recent movement to link women's rights to human rights. I remember having seen buttons proclaiming "women's rights are human rights" at some time over the previous couple of years and yet when I thought back to my days working with women who experienced abuse, I did not recall this language being used in the field. Had I worked in a shelter, perhaps I may have run into this phrase, I am not sure. I do remember seeing the "women's bill of rights" (Ball & Woman, 2007) which I believe has been circulating throughout shelters and women's centers for many years but I did

not hear anyone talk about DV as a human rights issue. The issues that we struggled with in our daily work were related to how CPS blamed and revictimized the women, how the local court system dealt with issues of DV, whether the batterer's intervention program was really making change and how we could continue to develop both the batterer's program and the women's program to promote individual change and hopefully systemic change.

My opposition to examining a specific intervention, CPS and DV, and/or women of color and the criminalization of DV helped to move me into the area of human rights. I believed that this lens would expand my focus to an even greater degree—human rights would provide an international foundation that would allow me to examine the trajectory of the DV movement while I continued to prioritize the impact on women who have been marginalized and, in some ways, left out of the mainstream DV movement. More concerns bubbled up when I began to move in this direction—I was interested in how the women's rights as human rights movement and ideology had influenced DV framing and interventions globally yet I did not have a particular link to any country outside the US. I believe my insulated position within the US is due, in part to the lack of engagement of local and mainstream DV organizations to a broader, international arena and my position of white privilege and ethnocentrism which "allows" me to remain insulated if I choose not to actively dismantle this position. I do believe that if I were to simply choose a country or region to focus on I would be engaging in a form of "academic imperialism" which I am not

comfortable with. To address this concern I decided to turn the mirror back onto the US, a region I believe I had a more insider perspective from which to develop my project given that I have lived and worked in the US for my entire life.

I continued to maintain an interest in examining power within the DV movement which had been my primary concern all along. For example, power had been an integral concept in the intervention program—whether used to examine domination over another person or in the language of empowerment. The power that the child welfare system held in domestic violence survivors' lives was palpable when I engaged with this system on at least a weekly basis and my areas of interest had been directly related to this dynamic. The ways in which the criminalization of domestic violence have impacted some women, particularly women of color, reveal the deeply problematic relationship that the criminal justice system has with communities of color based in a powerfully racist system. As such, I examined the data in this study with a focus on how political, economic, and social power shapes the DV and HR movements and subsequently, what I extracted from my conversations with the study participants is based on this approach. I rely on various feminist interpretations of the Foucauldian understanding of power as fluid and located in relationships rather than located within institutions in a materialist sense (Brooks, 1997; Fraser, 1989). While the State and institutions such as the criminal justice system figure prominently in the dialogue that follows, I maintain that power is not a monolithic entity but is dynamic and is constituted in many ways.

### *Overview of Findings*

The following three chapters contain my findings—what I pulled out of the conversations and the most salient themes. Some of these themes were highly “grounded” in the data, in other words, they were noted time and time again in the various conversations, while other themes may have been specific to one or two interviews. There is no one dominant idea or theme or opinion—this is basically a patchwork built out of the conversations I had and filtered through my own theoretical lens and personal/professional experiences. The process of analysis, organizing, and writing were closely interconnected and, as previously mentioned, I worked closely with Dr. Wahab who assisted me in the process of defining and organizing themes. For example, I determined early on that U.S. exceptionalism and resonance were two significant and overlapping focal points that most, if not all, of my participants discussed in the interviews. Beyond identifying this one primary theme I found there were multiple themes which initially posed a challenge to organize. I was uncertain how I would convey the diverse, interrelated nature of the themes and moved through a number of possibilities, aided by discussions with Dr. Wahab and my peer reviewer.

Early on I attempted to conceptualize the material as themes related to inclusion and exclusion yet after additional exploration into the literature, this did not appear to be an applicable organizing construct. I moved from this idea to the idea of

opposition and resistance yet this only seemed useful in some contexts and I could not make it “fit” all of the material in a natural way. I then began to view the themes from a macro/micro perspective which was a relatively useful organizing tool yet the themes did not fit “neatly” into this dichotomous set of categories. Additionally I resisted the idea of a binary organization of the material.

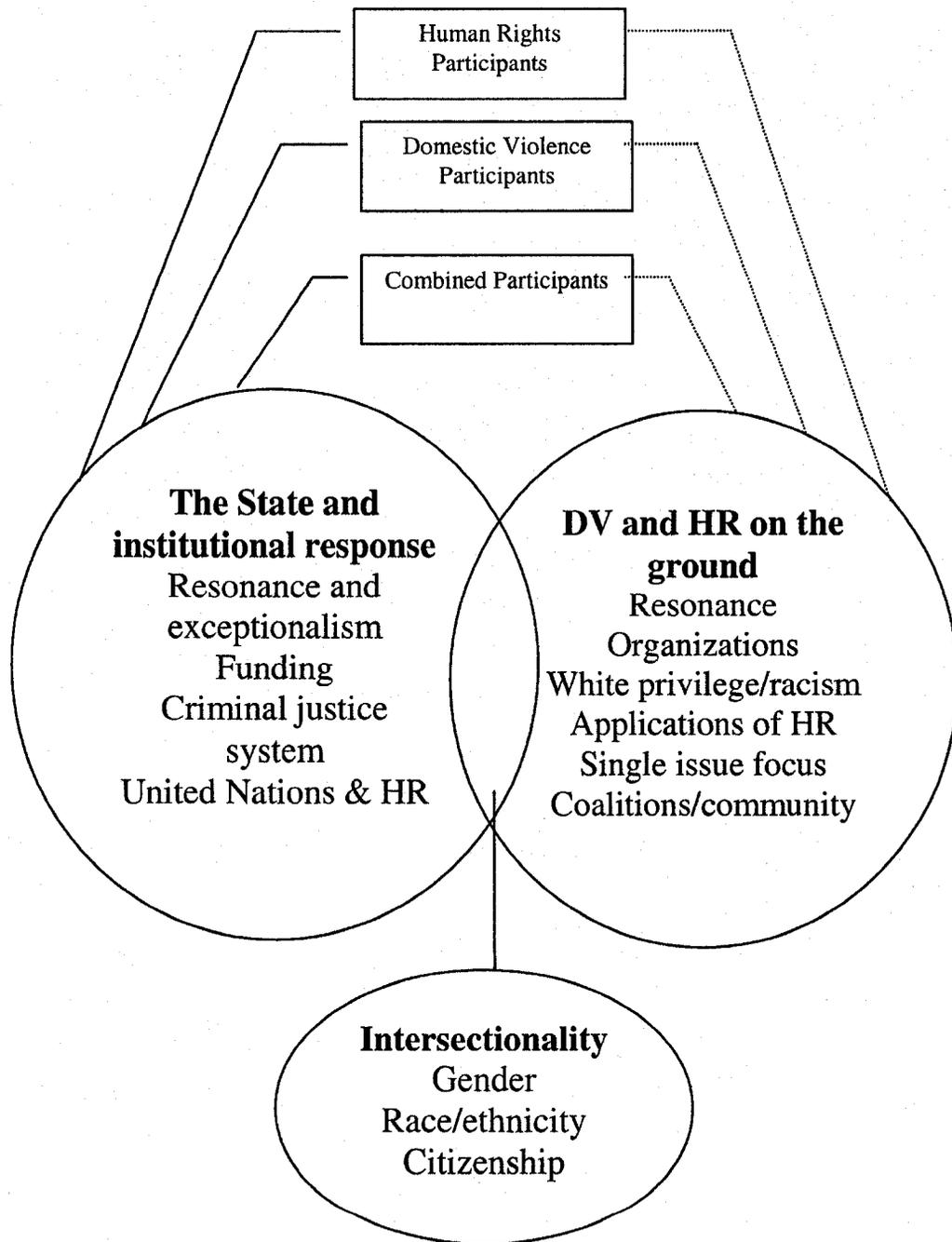
In continued dialogue with Dr. Wahab I constructed a schematic that seemed more dynamic than the macro/micro perspective. One tool I found most helpful was when Dr. Wahab suggested I create a visual depiction of my thinking about the core themes. To organize this material I found that what seemed to emerge were three primary constructs: (a) the State and the larger institutional response to DV and HR, (b) the DV and HR movements themselves and how they engage on the ground, and (c) intersectional issues that traverse both terrains. Within each of the larger constructs there were primary themes which will be laid out in each chapter. Additionally, what I found interesting when I began to create this schema was that the voices of the DV, HR, and combined participants were relatively convergent when they were looking more to the State and somewhat, although not entirely, outside of themselves. When examining DV and HR on the ground, how HR would or would not be effective, and their own movements, the voices were considerably more divergent.

Conversations regarding the State and institutional responses to DV and HR focused primarily on perceived barriers to applying a HR framework to DV in the US. Themes include resonance, US exceptionalism, State funding, the significance of the

criminal justice system, and the position of the US human rights movement vis-à-vis the United Nations and grassroots organizations. These themes will be taken up in the remainder of this chapter.

Chapter Four will address the DV movement on the ground and will explore themes related to resonance, organizations, white privilege/racism, applications of HR, single-issue focus, and coalitions. Chapter Five will include issues that intersect both with how the State engages with DV and HR specific to particular communities and how this relates to individual perceptions and experiences on the ground. Themes examined include additional issues regarding gender and transgender, race/ethnicity, Native Americans, and immigrant communities (see Figure 1).

**Figure 1: Findings Map**



*Resonance and U.S. Exceptionalism: "It's not part of our culture"*

The theme of resonance came up in the very first interview—with the actual term being used by a participant in the fourth interview. Whether the participants were from DV, HR, or a combined field, they unanimously agreed that there is a level of disconnect between the human rights framework and the U.S. public—although there were gradations in terms of who they believed were most disconnected and the extent to which they believed the framework was not viable in the US. The commonly voiced perspective was that in the US the language of human rights is rarely used because the United States has a history of disengaging from the human rights dialogue and often contextualizes human rights as an “outside” rather than “inside” issue.

U.S. human rights activists are certainly aware of the history of U.S. exceptionalism within the realm of human rights (see Ignatieff, 2005a). This exceptionalism has been described as “paradoxical” (Ignatieff, 2005b; Moravcsik, 2005) given that the US played a significant role in the early development of the human rights system and has historically positioned itself as a defender of human rights internationally yet has remained outside the human rights system to a large extent. Ignatieff (2005b) describes U.S. exceptionalism in the human rights arena as incorporating “exemptionalism” by which the US either chooses not to ratify conventions and treaties or chooses to ratify with significant reservations and

exemptions to the document. For example the US has not signed or ratified a number of significant human rights documents such as the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), the *Convention to Eliminate Discrimination against Women* (CEDAW), and the *Convention on the Rights of the Child* (CRC) and has ratified others with significant reservations such as ratifying the ICCPR with reservations related to the death penalty, particularly for juveniles. While the US is not the only country to enter reservations and exemptions, as a champion of human rights world wide it is notable that an exemption directly tied to the right to life has been made by the US and this exemption can call into question the legitimacy of the US as a model of human rights. The US also demonstrates exceptionalism in the form of “double standards” by holding both its allies and itself to a different standard than those the US considers foes—such as excusing or supporting abuses by Israel and condemning abuses by North Korea. Additionally, exceptionalism is evidenced by “legal isolationism” whereby the U.S. judiciary disengages itself from comparative analysis with other state and international law and relies solely on the U.S. Constitution and laws as opposed to other nation states that have responded to a larger transnational legal system, some of whom have altered or developed their constitutions in accordance with international law (Ignatieff, 2005b).

The history and position of exceptionalism provide a logical context through which to view the application of a human rights framework to DV in the US. A

participant who has worked nationally and internationally in the human rights field suggested that U.S. exceptionalism plays a significant role both politically and on an individual/cultural level, exemplifying the intersections between macro and micro understandings of resonance:

I think there's that pragmatic sort of resistance, but there's also that US exceptionalism, it's really kind of pervasive. It's not just a kind of government attitude, but I think it's kind of a—in general we in the US just don't think of ourselves as being governed by or the same as these other places that need to have a UN Declaration of Human Rights because, after all, we have the great US Constitution. It's something that we may not even be conscious of having sort of deep inside us, that exceptionalism, but I think there's a little bit of that (Interview 20).

Another participant working internationally and nationally on human rights spoke to the influence this deep-seated cultural belief in exceptionalism has on how individuals perceive her and the work that she does by assuming she is a “socialist” or a “communist” regardless of her actual political beliefs (Interview 7). This perspective is linked to the history of the development of human rights in which the US led and supported the ideology behind civil and political rights while the Soviet Union and other Communist bloc countries were primarily supportive of social and economic rights (Ishay, 2004). This split continues to be relevant today given the US prioritization of political and civil rights and rather complete disregard for economic, social, and cultural rights.

Political power plays a significant role in pushing for certain policies that will support domestic violence survivors. Three of the participants who worked most closely with federal and state legislators spoke specifically to this issue related to

resonance and exceptionalism by highlighting the presumed lack of “buy in” on the political level. Concerning the impact that reframing DV in a human rights context would have on her day to day work as a lobbyist, this participant indicated:

...incremental change is an important framework to look at this within— understanding where people are coming from and taking steps forward from that point rather than assuming a philosophical structure that does not match with their own personal experience and particularly when you’re talking about people in power, I think it’s exceptionally important that you take time and develop that understanding rather than alienating people (Interview 6).

In this case this participant suggested that if she were to use a human rights framework with many of the politicians that she works with she would be speaking from an ideological stance that would not be shared. She indicated that this perspective would only be helpful in situations in which she felt more confident that the language of human rights would advance her cause, not foreclose the dialogue and that it might take a long time for her to gain that level of confidence with any one Congressperson. In addition to the belief that human rights language does not resonate with those with political power, one participant active in the human rights field identified not only a lack of resonance but “hostility” (Interview 26) towards the framework within the current political climate in the US.

#### *State Resistance to “Liberal” Ideology*

According to one participant, who has worked many years integrating human rights into her work on violence and reproductive rights, particularly for women of color, a human rights approach would not be an approach that would be embraced by a conservative State:

If you rely on the State for both funding and intervention then you're in a very bad position to criticize the State if you think there are human rights violations taking place. You just can't bite the hand that feeds you and so I think that would have a chilling effect on having these types of conversations (Interview 18).

The link between human rights and more progressive, liberal, or even perhaps more radical ideologies was articulated in the words of this participant who is active in DV policy at the national level:

We have tried very hard to distance ourselves from being kind of a leftist, liberal cause because we just weren't reaching enough people. We've tried hard to move very, very centered on this. I think that when a lot of people hear human rights they automatically think anything left and liberal in that way and think international rights and only Democrats work on those things—human rights and all that. And I think framing the issue that way would move us back to the left. It would kind of, not offend some of the people that we've worked really hard to build relationships with, but they wouldn't really understand it. That the framing it that way wouldn't really—wouldn't really do much for the fact that we've tried really hard to distance ourselves from kind of the left side (Interview 19).

In conversations I have had over the years with others who have been involved in domestic violence work there has been speculation that the domestic violence field is no longer a “social movement” per se but simply a professionalized service; additionally, the increased professionalization of the movement through the 1980s and 1990s has been well documented and critiqued in the literature (Ahrens, 1980; Daniels, 1997; Schechter, 1982; Walker, 2002). I believe that the move away from the politicized, grassroots nature of the early DV movement has greatly diminished the progressive capacity of the movement, yet, as the participant indicated above, her experience suggests that the impression, particularly in the political arena, is that the

DV field continues to be a “leftist, liberal cause.” In contrast, members of INCITE (2006) have suggested that the current conditions within the mainstream anti-violence field do not allow for “radical antiviolence work” (p. 3). One participant who was relatively new to the DV movement yet who brought many years of political and community activism to her work suggested that the DV movement was “very narrow” and “very conservative” (Interview 15). While the questions regarding the efficacy of the current mainstream DV movement, whether it really is a movement or not, and whether there needs to be a unified vision or goal are certainly important to consider, those specific questions were not focal points in this exploration, albeit they were influential in my construction of the research. When I am feeling more hopeful and believe there are segments of the field that are less service-provision and more reflective of a political and social movement then I would agree, as one participant suggested, “to do more progressive work you need freedom” (Interview 15). Is the way to resolve DV to shift away from a feminist analysis and make it “much more of just a mainstream community issue” (Interview 19) as one national group is doing or is it necessary to find a way to engage in a more progressive dialogue and would HR be a way to open this dialogue? Alternatively, could both of these be viable routes to take and could HR encompass both objectives?

If, as the previous participant suggested, some individuals perceive human rights as “left” and “liberal,” it seems likely that the State would resist a HR framework. A progressive, grassroots HR framework and dialogue would potentially

require a reworking of power structures and a significant structural shift that, given the current conservative political climate of the administration and the judiciary and the more centrist leanings of the Democratic Party, I believe the State would resist wholeheartedly. Some of the structural shifts could include dramatic economic shifts from our current capitalistic system to a social democracy that would prioritize the health and well-being of people above capital gains. Ratifying the ICESCR and genuinely providing these rights to US citizens—rights to health care, gainful employment, and housing—would be a structural shift that could provide a strong foundation from which social justice issues such as domestic violence could move towards resolution/eradication.

#### *A Window of Opportunity*

While discussing the resistance that the US demonstrates in the human rights arena, two participants also noted that there may currently be a window of opportunity regarding the US public and the use of human rights as a construct within our borders:

...our greatest movements in this country have been in response to our greatest atrocities. And so I think now is probably a better time than in the '90s because we are seeing more human rights and civil rights violations, both abroad and in our own country and it's being pointed out to us how we can be the 'pointer-outers' as you said, how we can be the responders, or how we can be the aggressors. I think that people are really getting frustrated and so now might be a really good time to start that dialogue and to really make a national conversation of it. I think it would be much more relevant to today's American society than it would have been in the '90s (Interview 6).

While one participant who has worked many years in the national DV movement indicated that she was personally changed by attending the Beijing

Conference yet failed in her attempts to reframe DV in the US as a human rights abuse, a couple of participants did report making headway or even receiving enthusiastic support of the human rights language and ideology from their constituents. Agreeing with the previous participant's views about the current political climate, a HR activist who has worked with her local DV groups reported:

I don't know why, I don't know if it's just the war in Iraq or Abu Ghraib, I don't know what it is, even some groups previously we had a hard time convincing to even look at human rights, are now coming to us and we haven't really explored why that is and I'm not even sure that they know exactly why, beyond just generally feeling a frustration with the tools that are available (Interview 17).

*Funding the Work: "The State basically owns the movement"*

A majority of the participants involved in DV work noted that some of the primary barriers to shifting the framework for DV are the issues of funding and resources—particularly funding tied to the State. With a substantial amount of the funding for domestic violence prevention, education, and services tied to the State via the Department of Justice (DOJ) and through VAWA (INCITE, 2006; Sandfort, 2005; Smith, 2005) it appears that the current state of the DV field is reflective of this uneasy alliance. Summing up the influence that funding sources have on the nature of the work, one lobbyist indicated:

But we are relatively constricted in our national work in that we are grant funded by the Department of Justice and the Department of Health and Human Services. In our state work we're funded by the Department of Human

Welfare. So it gets a little tricky; while we have a broader perspective and a knowledge of what's going on, our hands on work is really largely dependent on our funding which is one of the downfalls of this work (Interview 6).

Another participant with a long history in the DV movement agreed that the State's involvement was significant and problematic:

...As the State starts to respond to all these demands and says, 'Okay, you're right girls, you're getting screwed.' And they start to fund everything, and then of course you're down the whole road that the civil rights movement is which is that the State basically owns the movement. And then you've got to wait for another 20 years for somebody that isn't owned by the State to come up and redo it (Interview 16).

The State funding streams emphasize a law and order and reactive approach over any other approach to DV as evidenced by which programs are cut and reduced when federal and state funding is diverted to other areas that are being prioritized under the current administration. A number of participants noted that the "much more proactive" (Interview 19) programs were some of the first programs to get cut and suggested that this may set up a dynamic which pits prevention-oriented programs against service-oriented programs in an "unfortunate scrambling—fighting over a very small pie" (Interview 20). In contrast, one participant offered hope for a unifying outcome:

If the country would look at it—or the domestic violence and sexual assault agencies would look at family violence as a human rights issue—the positive piece would be that there wouldn't be any turf wars, any more vying for funding or waving of their own banners saying, 'I'm better than;' we would all be able to work together in addressing the issues both socially and criminally (Interview 21).

While this participant presented a more hopeful outcome, others appeared rather cynical that any significant change could take place if the funding source did not change. They indicated that in many ways it created an unworkable bind in which advocates on the ground are “overwhelmed” (Interview 18) and “extended too far” (Interview 17) which they related to resources and funding. For some, the only reasonable solution was to extricate the movement out from “under the thumb” (Interview 29) of the Department of Justice. Suggesting just that, a participant with experience in both DV and HR expressed her concerns:

We are in a serious conundrum that is going to take rethinking what it means to have a national infrastructure around the issue of violence—and particularly domestic violence—that is stuck in the parameters of the logic of its own survival. There needs to be a conversation around that and that is going to be very, very scary (Interview 12).

*The State Holds the Strings: “More State power and more State actors”*

Redefining the framework for the DV movement was also linked to the power of the State and the fear that inroads would be lost if DV was reconceptualized as a human rights issue. One participant who works in the human rights field with a focus on domestic violence identified her own fear of reframing DV when she said, “...in the violence against women and domestic violence area, it makes me uncomfortable to reject all of that because I’m scared—would we just roll back to where we were” (Interview 13)? Even though she was strongly supportive of the potential for human

rights to be applied to domestic violence, this participant expressed what a few others also voiced—a fear that reframing DV as a human rights violation would give the State even greater power in the movement. Related to the fear of “rolling back,” the same participant suggested that the State may use its power to disengage from the criminal justice efforts that have developed over the years: “Oh, you don’t want this money; you don’t want this to be a justice focused—a criminal justice issue—okay, we’re out of here. Kind of that all or nothing fear” (Interview 13). In a subsequent conversation, this participant provided further reflections on the fear of loss:

These advocates believe that the strong criminal justice response to domestic violence over the past twenty years is both a signal of and a cause for our society taking the epidemic of domestic violence more and more seriously. If we throw human rights into the mix, would that change the equation? Would the government be able to “fudge” its response to domestic violence? Would a “human rights” framing distract the government from focusing on a targeted criminal justice response to the problem – a response that many advocates say has saved thousands of lives of domestic violence victims and survivors (Interview 13)?

This fear of loss of all the gains of the movement seems logical given the current hands off attitude of the State, yet, at the same time, this hands off attitude applies much more to social supports than criminal justice support, which the State appears to prioritize. Related to this fear of losing ground, one anti-violence activist suggested that how “success” is gauged is an important point to consider:

So, I think this, “We’ve come so far” needs to be critically examined, where have we come exactly? Are women actually safer because of this response? You know, even taking out the violence of law enforcement response, are we actually safer now and I would argue not. There’s just too many stories—too many cases, too many studies that show that’s actually not the case, so I don’t know how far we’ve come really. Maybe individuals feel like they’ve gotten

attention, maybe people feel like the issue has gotten attention, but only to the extent that it furthers other interests, like more law enforcement or more control of women's behavior (Interview 29).

In contrast there was a fear that rather than lose the State's support vis-à-vis the criminal justice system, moving into a human rights framework also has a potential to align with the State in a way that makes some activists uncomfortable—particularly women of color. One participant who does anti-violence work and has used a human rights framework offered an important caveat:

I think we just really have to look at the role that Human Rights Watch, ACLU and Amnesty have played in advancing the human rights agenda—the women's human rights agenda in the US—and what their relationship has been to the mainstream anti-violence movement and to the more grassroots, radical or women of color anti-violence movement. I think that replicates a lot of the same power relations that supposedly we're supposed to be challenging using these human rights frameworks so I think that's an important critique (Interview 29).

Echoing this sentiment, a participant who has worked for many years in the human rights field pointed out her observation regarding the potential for a human rights framework to endow the State with possibly greater power, particularly in the lives of communities of color:

Using the criminal system is one of the tools or strategies that the State has at its disposal in a human rights framework. So, I think the problem is that the State, and unfortunately some advocates initially, only sought to have the State use that strategy and tool in many ways that were, or have given rise to, this very significant critique of what has happened with the criminalization of domestic violence (Interview 20).

While both of these participants have used human rights in their work and believe that there is potential for the framework to offer a more expansive approach to

DV and other anti-violence work, they also represented two of the three participants who pointed out that a HR framework in and of itself does not imply a less engaged State and could potentially create an even deeper entanglement with the State. Given that a significant amount of attention has been paid to political and civil rights and their application to domestic violence (Coomaswamy, 2000; Roth, 1994), these participants suggested that there is the potential that human rights would be applied through an exclusively political and civil rights lens which could simply strengthen the criminal justice system response. While there were a number of other HR participants who spoke at length about the need for grassroots participation, these three participants were the most emphatic in their cautions regarding the power of the State to use the HR framework to further an approach that could be damaging and oppressive, particularly to women of color. Expanding on her concerns, this participant also suggested:

...they've been using the international human rights framework around due diligence and to respect, protect and fulfill women's human rights in the context of interpersonal violence to argue in favor of more law enforcement based solutions, greater penalties, more policing, mandatory arrest policies and so on and what that's done is end up contributing to far greater violations of women's human rights through arbitrary arrest and detention as abusers when in fact they're survivors under mandatory arrest policies that have disproportionately impacted women of color, low income women, lesbians, transgender women, which violates various treaties including CERD and the ICCPR and has bolstered the law and order agenda under the guise of promoting human rights in the US and that to me is deeply troubling and problematic (Interview 29).

These two participants point out the complexities that could surface if a human rights approach was used in DV and anti-violence work including the potential for the

State to pick and choose which human rights standards to apply as opposed to engaging the larger range of human rights such as economic, social, and cultural rights. Given the US history regarding human rights, this seems a reasonable or even likely outcome that the participants above were clearly pointing out. What this suggests is that while reframing would include a shift in the language used to describe DV, there could be much more at stake and a variety of responses to using a human rights framework.

The third participant who brought up concerns regarding the State and human rights was from a national DV organization and was the most actively resistant of all the participants to a human rights framework. Her primary opposition related to the power of the State to intercede in the issue of violence against women and also the lack of State response that she had witnessed in other countries:

What I don't like about it, or what makes me leery about the approach is—or just the sort of ideology really—is that the State is quite happy with it because to be completely oppressive takes too much energy and force. So the State is willing to barter a few deals. 'You want rights, you want this, you want suffrage for women,' etc., etc.—these are all the different issues. So, it kind of—it suits the State actually. The human rights position works well—'See you were clamoring for this, fine, well we'll give it to you.' So I think it actually sort of cuts away from the edge of making radical demands (Interview 3).

Reflecting on feedback from colleagues in other countries, this participant suggested that some states may very well appear to support a human rights agenda on the surface but often when it came to demonstrating their support, states would not always deliver on promises made. She also believed that human rights could be

interpreted by states in a way that did not ultimately require significant and progressive change and, therefore, might not be a viable foundation for a progressive social platform.

*Human Rights: “top-down” and “bottom-up”*

Whether or not a HR framework would offer a way to organize DV work that would address current concerns regarding the over reliance on the criminal justice system, the tendency towards reactive, not proactive intervention, and the continued need to address the diverse needs of survivors are primary questions that I posed throughout the interviews. If the DV field is tied to the State in a way that perpetuates these problems, would human rights offer a way out or would a HR framework continue to replicate the same challenges?

Interestingly, critiques of the HR framework in many ways mirror the critiques of DV. This includes concerns that a HR response can be essentially another legal remedy, albeit a legal remedy based on the presumption of a larger international consensus; that many HR organizations are professionalized, large, and unwieldy—speaking a language far removed from the day to day lives of people; and that human rights developed within a Northern framework that does not always speak to the diverse human experience.

As participants pointed out, often in the US we think of human rights specifically related to the UN which provides the foundation for human rights in the form of conventions, treaties, and declarations yet can be overwhelming for those unfamiliar with this system. Also, the UN is not particularly accessible as suggested by a participant who does HR work in the US and India: “Many people are totally disinterested. It’s like going into the bowels of some deep hole—just starting to get the accreditation onward—it’s huge” (Interview 8). In terms of accreditation, this participant was reflecting on the process that NGOs have to go through to participate at any level with the UN, from one-time participation at conferences to gaining consultative status which allows input into certain intergovernmental processes. This process has been identified as quite time-consuming and rather complex (Baillat, 2000) as suggested by this participant and her experience of activists and NGOs being overwhelmed by the prospect of attaining accreditation.

In addition to the question of accessibility there is the “top down” versus “bottom up” approach that the UN symbolizes. One HR participant indicated:

...and they really do not only embrace, but operate with a top down analysis and a top down approach and in that case I would have to agree with critics of the human rights framework that universally applicable concept does not work unless it starts with the communities most affected or it starts with being culturally relevant and culturally specific. I just don’t believe—and this is part of why our organization focuses on human rights issues, abuses, and protections here in the United States—we cannot go into another country and tell any other country how to apply the human rights framework in their context—that is completely antithetical to the human rights movement and the human rights framework (Interview 2).

A number of participants from the HR field were clear that from their perspective, a human rights approach that is “people-centered” is critical for success and were cautiously optimistic that a grassroots effort has started and could be maintained to address a myriad of social justice issues in the US. Grounding their perspective in previous social justice work, not only in the UN documents, these participants countered the claim that the UN is the “progenitor” of human rights and indicated that their efforts are aimed at engaging the community and simplifying the language to provide a unifying and accessible base:

We have been trying to advance a human rights approach that doesn't only include formal human rights work but also to advance the idea that anybody working on enhancing justice, preventing stigma, and discrimination, moving towards equality—kind of being against unfairness—are all part of doing human rights work (Interview 8).

This same participant suggested, “We try not to privilege the UN system or the international system and actually we work very actively to make it feel like it's just one other way of working on violence against women.”

While a significant number of the participants from the HR field stressed the need for a grassroots human rights movement, not all participants involved in human rights work focused on this as a critical element of their work. The need to engage communities and to respond to the diverse needs of people, particularly communities of color, immigrant communities, poverty-stricken communities, and other communities that have been marginalized was a much stronger focus for participants of color than for white participants. This focus on grassroots, localized human rights

also dominated the responses regarding the longstanding universalism versus cultural relativity debate that has been a significant part of the human rights dialogue (Grewal, 2004; Hajjar, 2004; Healy, 2007; Ishay, 2004; Reichert, 2006; Zorn, 1999). While not all conversations with human rights activists touched on this issue, most did, and most participants agreed that this dialogue is important to be cognizant of when doing human rights work so as to not fall into the trap of either privileging culture, regardless of the practice, or of applying universal principles in a “cookie cutter” fashion with no attention to the localized needs of the community at hand. One HR participant when discussing female genital circumcision/cutting/mutilation and the issue of cultural relativism noted:

I’m originally from Nigeria and so I know that this is an issue that comes up a lot in terms of what is West African culture and just even in talking with my colleagues about what is good or bad practice within a culture differs because I have a different experience. When human rights has any tension with a culture, usually there are people from within the culture who are the ones who you’re going to talk to and who see and who are willing to take up the fight against whatever practice it is that’s considered a violation. I guess my response is, that the response doesn’t need to be, or the problem doesn’t need to be solved by someone on the outside (Interview 17).

Noteworthy here is this participant’s assertion that one way to address tensions within a culture regarding potential human rights violations is to acknowledge that working from within a community or culture is the preferred practice. Similar to the earlier concerns regarding a ‘one size fits all’ criminal justice system response to DV, grounding theory and practice in the local community context continues to surface as an integral part of ethical and responsible social justice work. Related to much of the

critique of women of color who accurately name the mainstream DV movement as a white women's movement, (INCITE, 2006; see also Collins, 1998; Crenshaw, 1994, 1997), the idea of working within a community to address social problems rather than developing universal approaches from above—often from positions of privilege—is a critical element if we are to really move forward to address domestic violence or any other social problem.

### *From the State to the Movements on the Ground*

The power of the State related to funding DV programs which influences the prescribed response and possibly the theoretical framework of DV in the US was a significant factor that was explored in the majority of the conversations I had with participants. To a lesser degree, my conversations also touched upon how the State might use a HR framework as a thinly veiled cover to strengthen the law and order agenda, particularly related to violence against women. While there were disparate responses regarding the depth and breadth of the influence of the State in domestic violence and human rights, most of the participants agreed that the disengagement of the State related to HR and the engagement of the State in a criminal and/or civil justice response to DV were primary barriers to implementing a HR framework.

What seemed to rise to the surface of these conversations was a significant element of mistrust of the State's engagement in the issue of domestic violence—

either the fear that the State would retreat and no longer provide a response or that it would co-opt whatever framework and intervention was utilized to address DV. What seemed primary was that regardless of how they felt about any one framework, most participants held convergent views about the State and its role in holding the purse strings and, subsequently, in advancing a certain approach and agenda regarding DV.

While there was no consensus on the applicability of HR to DV in the US context, if the US DV movement were to engage in a human rights dialogue it would be important to remain cognizant of the potential for a human rights framework to expand the approach to domestic violence while also remaining cautious about how a HR framework could fall prey to similar problems if placed in the hands of the State.

Where there was perhaps a larger variety of responses relates to how the framing of domestic violence as a human rights violation might be beneficial and how issues of power within and between the DV and HR fields might influence any potential benefits or shift in framework. I take up the task of sorting out some of these discrepancies and intersections in the following chapter.

## Chapter 4

### Domestic Violence and Human Rights on the Ground:

“How would that help our work?”

#### *Resonance, Part Two*

Even if the US political body does not engage in HR dialogue, does that mean that the US public will, in turn, fall in step with the pervasive nature of exceptionalism or will there be resistance within the country to this arrogant and exclusionary stance? While the nature of US exceptionalism with regards to human rights is well documented in the political arena (Ignatieff, 2005a), whether a human rights approach to DV or other social issues would resonate with the U.S. public is a question that has not been fully explored. A DV activist astutely observed:

We have started a public awareness campaign and we don't use human rights as the centerpiece maybe because the community that we want to reach with the campaign doesn't have the context of human rights—or we think they don't have the context. Sometimes we can be very arrogant and think that the community doesn't understand and unless we have a conversation we won't know that they really understand (Interview 15).

Additionally there were a few participants that have actively relied on human rights language, applications, and ideology to approach issues of DV, a broader continuum of violence against women, and a complex web of social and structural issues faced by rural women in the South. These three participants indicated that the women that they have worked with responded in an “overwhelmingly positive” fashion which suggests that perhaps presuming the public will not respond well to a

HR framework may be inaccurate. At the same time, there were also a number of participants who believed otherwise when remarking that a human rights framework wouldn't "sell in Peoria" (Interview 1). Two other participants, both Native American women who have worked in the DV field for 13-30 years identified strongly with a human rights perspective and, while not specifically utilizing human rights in their day to day work, both of these participants believed that in the indigenous communities in which they worked, the understanding of violence against women as a human rights violation was longstanding and unquestioned. This dialogue brings up an important and unexamined issue related to different conceptualizations of human rights. While I indicated in all interviews that I was initiating the conversations based on the framework of human rights documented in primary human rights conventions and treaties and recent human rights conferences, there are clearly a variety of conceptualizations and understandings of human rights which need to be acknowledged.

One participant working in the rural south of the US believes that some of the factors that have contributed to a significantly positive response among the women that her organization works with include the women's historical experiences with the civil rights movement and their deeply rooted Christian beliefs. She acknowledged that in her region there were historical links with the civil rights movement and the church and that her constituents saw human rights embodied in Christian values. In her experience the link has been a natural one for the women with the additional

component of “connectivity to a broader community” (Interview 27) which is one of the ways in which her organization implements human rights ideology and framework.

Recognizing individual and collective agency to act and think on their own behalf, some of the participants suggested that there was room in the US for a dialogue about HR; certainly there have been other social justice issues that have begun to use a HR framework to advance their cause. Showcasing a number of organizations that have done just this, the Ford Foundation’s (2004) *Closer to Home: Case Studies of Human Rights Work in the United States*, describes 13 such organizations that were funded by the foundation and have used human rights as their guiding framework. Organizations such as the Kensington Welfare Rights Union working to organize and advocate for people in poverty in the US using the UDHR as their foundational human rights document and Women’s Institute for Leadership Development (WILD) for Human Rights who organize projects related to racial and gender justice, such as spearheading the movement to get CEDAW ratified in San Francisco are just two examples. Domestic violence is not absent from these case studies either—the Battered Women’s Testimony Project, a project of the Women’s Rights Network based at Wellesley Center for Women successfully organized a group of domestic violence survivors to engage in a number of activist projects such as the Human Rights Tribunal on Domestic Violence and Child Custody which occurred in 2002 at the Massachusetts State House. This project incorporated “participatory documentation” (Ford Foundation, 2004, p. 61) in which survivors of domestic

violence documented human rights violations that they observed being committed by the family courts in Massachusetts related specifically to battered women and child custody.

### *Organizations and Power*

On an organizational and individual level, some participants discussed the disempowerment of advocates working on the ground and how disempowerment relates to who holds the power to define and direct the DV movement. One participant who leads trainings throughout the US with DV groups who work with women of color identified her own position of power as an outsider from a national organization who is brought in to speak to state coalitions:

It's usually the state coalitions that say, 'Wow, this is the stuff we'd love to say to our EDs but we're not necessarily the ones to say it either because after awhile they start to drown us out or tune us out and if they happen to be the funders, then it takes on an even different relationship. So they always look to an outside voice to come and say the stuff they would, or could, or should say (Interview 10).

She suggested that she uses this position of power to counteract the power that supervisors have over line staff and the disempowered location the line staff often find themselves in when confronting the multiplicity of issues that survivors of domestic violence are faced with daily. This participant was one of the few individuals from the DV field who acknowledged using a human rights framework—as an internal guide and through her trainings. Here she describes one element of her work:

And that's the other part of the work we do, is to really look at the experiences of women of color in the workplace because that is also a human rights issue—these women are not able to do the work in the way they are called to do the work and a lot of it is because they are being limited by their supervisors and people not thinking outside the box (Interview 10).

A few participants commented that, for advocates, their lack of power to either influence larger DV policy and/or to work outside of grant and funding requirements constrains their ability to organize the work in a different way. All three of these participants focused specifically on the position of women of color advocates in the field with another participant suggesting that perhaps a human rights framework could be applied in a way that would also highlight the conditions of the advocates in addition to illuminating issues related to domestic violence survivors:

Sometimes people of color don't know how to be allies to each other...If human rights can be a tool that can be in the forefront you know, and we can break it down and say, what is happening in this organization can be construed as a human rights issue. So *we* are providing service for survivors but we are not taking care of ourselves as providing the service (Interview 15).

Paramount to a majority of the discussions was the issue of race and ethnicity and the significant role that this plays within the DV field.

*White Privilege and Racism: "Who gets to do the agenda setting?"*

One of the primary elements at play relates to the power to define the parameters of the DV movement, whether by privileged position in the movement, funding, and/or visibility. Often discussions of power were linked to racism within the movement, both in the history of the movement and the current-day reality. A

participant who has been influential in the DV movement since the early beginnings described her experiences related to working with women of color in the 1970s:

...it was just blatant. You know, this really, really big time—our consciousness was totally, totally filled with all that shit about white superiority that we never would have even thought that that was what was going on in our heads (Interview 16).

Describing some of the ways in which this “white superiority” influenced their thinking at the time, this same participant indicated:

I think it's more about our racism than just about we don't want to step down. Because I know when I was at those meetings and black women would start talking, the first thing I thought was that they all defend their men. They defend them to the hilt and I would think that they're not feminists. I saw black woman as being committed more to their men and I saw them as exploited. I remember thinking they're in denial and they don't see it. I'm sure most of us white women were thinking that shit—we thought the same thing about Native American women and they didn't have any power then. It was our ignorance and our racism and our patronizing kind of attitude towards women of color. On one level we were all proud of ourselves that “we” got black women to do something and we thought that way, we didn't even see, in many ways, that black women came to this movement and had to come in over a bunch more obstacles than we did (Interview 16).

In critically evaluating the history of the movement from her perspective as a white woman, this participant reveals the racism that was embedded in the early years of the mainstream domestic violence movement in the US. While the critique of the movement as privileged and racist has been long-standing, what I found compelling is that this statement exemplifies what I continue to see as deeply concerning in the field as it has become increasingly bound to the criminal justice system response. For those who privilege the criminal justice response, these beliefs could be the basis for continuing to subscribe to the status quo. If white women continue to see women of

color as “in denial” and “defending their men” the mainstream DV movement will remain unmoved by the voices of women of color.

While acknowledging opposition from those who have privilege to determine who is “the voice of the field,” a participant who has been in the DV field for decades suggested that there has been a broadening of the movement in terms of acknowledging the voices of women of color:

So one answer is yes, I think that there have been efforts to try to be broader in trying to hear the voices but I think the extent to which things have been integrated and that people do it—different communities in different localities across the United States is variable. And I think that there are some people who don’t do it because I think that they feel very comfortable with what they perceive as being the voice of the field (Interview 22).

There has been a significant body of work by women of color aimed at exposing the racism that has been incorporated within the mainstream feminist movement in the United States (Anzaldua, 1990; Collins, 1990; Dill, 1983; hooks, 1981; Moraga & Anzaldua, 1984). The early work in this area focused on a multiplicity of issues related to the embedded racism in the movement, for example, the invisibility and marginalization of women of color in the literature, theorizing, leadership, and within the academy during the formative years of the second wave of the feminist movement and the presumptions that the category of “woman” was a universalizing identity from which all women could unite against patriarchy (hooks, 1984; Moraga & Anzaldua, 1984; Sandoval, 1990). In a report on the 1981 National Women’s Studies Association Conference (NWSA), Chela Sandoval points out how the structure of the conference itself—which, ironically had as its theme and title,

“Women Respond to Racism”—epitomized some of the racist dynamics in the women’s movement. Lack of a venue in which a genuine dialogue about racism could occur among all conference attendees and the cordoning off of all ‘women of color’ into one consciousness raising group were two of the examples that Sandoval examined in light of the charge that the conference was racist in its very set-up. In their “conference within the conference” (p. 59) the women of color/U.S. third world feminists engaged in their own dialogue about the racism within the movement and then moved to work in coalition with interested white women to develop a set of resolutions to submit to the entire NWSA Delegate Assembly. These resolutions were met with “a great deal of irritation by the majority of the white Delegates to the Assembly” who had “put in their time” examining racism throughout the conference and needed to move onto more “pressing issues” (p. 69). While this is but one example, it is suggestive of the history of resistance of women of color to the racist and hegemonic white women’s movement—the movement that led the US mainstream DV movement.

In 1989, the quarterly newsletter of the National Coalition of Domestic Violence, the *NCADV Voice*, published a three page piece, *Racism in the Battered Women’s Movement* which explored issues related to lack of leadership roles for women of color in the movement, lack of resources and lack of policies and procedures within the movement that address racism. It was a call to women of color to confront the movement and expose the silence regarding racism (Rahman,

1989). What appears particularly salient here is that while the critique has been longstanding, there were a number of participants who clearly acknowledged that white women continue to dominate the DV field and maintain privilege in the movement as a result, as evidenced by this participant's thoughts:

I think one of the more kind of revealing ways to illuminate the power and privilege dynamics and any situation is to look at who gets to do the agenda setting, who gets to do the analysis, who gets to do the policy recommendations and who is called upon to simply come and tell their story. In a lot of the history of the DV movement it's been the poor, pitiful women of color come and tell their stories, while who is doing the analysis, setting the agenda, determining the priorities, determining the policy that's going to be advocated are not those women (Interview 20).

Related to the commentary about the early years of the movement and white women's response to women of color, this statement is suggestive of the many ways in which racism and privilege are woven into the fabric of the mainstream DV movement. While the participant in Interview 16 suggested that racism drove the belief that women of color were unable to "see" their own exploitation by their partners; this comment reveals how, in policy forums, the difference between "agenda setters" and those who are exploited as the "pitiful" victims is also driven by racism and privilege. Parading women of color out to be the "face" of domestic violence can have the appearance and intent of recognizing diversity yet if women of color continue to be excluded from the policy arena, this will remain a hollow attempt.

Further elaborating on how the dominance of white women in the movement influences women of color this same participant stated:

I think there's a problem with the white women dominating the lobbying efforts at the federal level who are not inclined to center the concerns of, particularly of black women. I think there's a hesitancy to use their political capital on behalf of a community that's considered not only by Congresspersons, but also by these white women advocates in Washington as being kind of not very desirable people (Interview 20).

### *Losing Status, Losing the Movement*

So, if, as one participant stated, "...one of the problems as a woman of color in the DV movement is that the DV movement has a hierarchy that is white. All the positions of power, overwhelmingly, are white women" (Interview 15), how does this privileged position translate into defining the parameters of the movement? One of the threads that ran through the interviews was the agreement that the DV movement in the US has become single-issue focused and closely tied to the criminal, and, to a lesser extent, the civil justice system. Perhaps if the DV movement were to reframe DV as a violation of human rights it could move beyond a single issue focus and, possibly, move beyond a criminal/civil justice framework. What was verbalized by many participants on the challenges inherent in doing this was the fear of loss, including the belief that to reframe the movement would mean to give up positions of power in the movement, to shift the status quo, and to move out of a comfort zone.

This opposition was identified by one participant from the HR field who suggested:

I think the major issue of resistance that we are encountering in addressing these issues of violence against women in the United States as a human rights issue because the people who are in power, the people who are in control, the people who are privileged who are running these organizations who are getting the major funding from both governmental and private sources are not interested in the human rights framework because it requires for them to give

up power—it requires for them to give up privilege in a way that shifts the control to those who are victimized and otherwise most affected (Interview 2).

Another participant verbalized the loss connected to identity within the movement rather than the loss of privilege when she said, “...I think a lot of those things are scary for people who’ve built their own personal and professional identities on being aligned with a movement, a cause, a way of doing things” (Interview 13). Here the loss that would be sustained seems to be more about how advocates identify themselves through their work and the idea that to reframe DV as a human rights violation would mean that their identity as a DV advocate may become complicated or diminished and therefore create a frightening lack of identity. If advocates have identified with a certain perspective of DV and a certain response to the issue of DV, to suggest a shift in the dialogue, ideology, framework, and the organizations who may be involved, could leave advocates feeling less grounded. While this statement may not have been directly related to white privilege within the DV movement, it is important to note that possibly those that have more of their identity tied up in the movement and therefore, more to lose, could be white women who have dominated the mainstream DV movement.

As mentioned in the previous chapter, some participants feared that they would lose valuable ground and that the State would “roll back” in terms of their engagement with the problem of DV. While participants in both DV and HR identified that the single issue focus and the primary engagement with the criminal justice system was an issue that needs to be assessed, there were gradations among the DV participants

regarding how problematic they felt this single issue focus was and the extent to which they felt that this was the current state of the field. Some participants believed that their work has always been more holistic than the criminal justice perspective while others suggested that their organization was working towards expanding its focus. One participant who has worked for over 20 years with immigrant women who have experienced DV indicated, “so that narrow focus of justice system *only* has really never been what we’ve been about” (Interview 25).

If the mainstream national DV movement is dominated by white women and the voices of women of color have yet to be infused in the movement in a significant manner, how could a shift to a HR framework occur? The barriers of the State power to determine funding and political support and of opposition by leaders in the DV movement to shift the status quo may be too great yet beyond this there were also other significant questions posed. The bottom line may very well be determining whether framing domestic violence as a human rights violation will change or advance DV work in the United States and whether it would do so uniformly.

*Applying a Human Rights Framework: “That’s great, so then what will we do?”*

Two of the primary ways in which participants suggested the DV movement could be strengthened with a HR focus is by providing a more holistic approach to the issue of domestic violence and by creating greater alliances both among social movements and within communities. Additionally, some participants also pointed out

that engaging in the human rights dialogue could link the US DV movement to the international movement. Before addressing the specific potential benefits of a HR framework, it is important to consider some of the questions that were brought up in conversations with participants such as, exactly what is a “human rights framework?” Is it merely theoretical or does it offer practical day to day applications? Would an HR framework be simply a shift in language or would there be ways in which DV policies or interventions would change as a result?

When hypothesizing about how HR would impact their DV work, a number of participants suggested that it came down to the pragmatic reality of the safety of women:

And that makes it very difficult to continue the conversation because when I'm thinking of having a philosophical conversation versus her safety, 10 times out of 10 her safety is going to come first and that's where we get caught—we get trapped there. So, I think that's probably why we've lingered so long in the justice system because it's immediate, it's the 911 call, it's getting custody of her kids, it's making sure that she has a place to go stay (Interview 6).

This pragmatic concern was echoed by a few of the participants, both within the DV field and the HR field—interestingly, most of the participants in the DV field did not engage in direct service, although many had past experience working directly with domestic violence survivors. So while they may not be working with survivors themselves, they still suggested that a primary barrier to shifting the framework for DV was based in hands-on application. What appeared to be behind this concern was that for some, the perception of HR was that it was ideological, not practical. This perception may be a by-product of US exceptionalism—if the US does not apply a HR

framework to its own citizens, it seems probable that imagining how human rights can be applied to DV would be a challenge. A participant from the HR field described her understanding of this schism:

Some of these DV movement people have been in that movement for 30 years; they're hardworking, they're in the trenches and you know, these 'la-dee-da' people are prancing around talking about human rights and they're not really community based people you know. The DV people are like, 'come spend the day in a shelter and then I'll talk to you,' so there's a real disconnect...they are perceived by the DV people as kind of coming out of 'la la land' with a lot of unfounded hope about how transformative a change in language will be, so, they don't play well together (Interview 20).

A similar sentiment regarding the perception of HR activists as lacking a grounded sense of reality was identified by a participant who worked on a project integrating DV and HR:

And that is a problem with human rights folks. They come in and they want to do the biggest things in the world and they're not very practical about it. And I'm talking about domestically; I don't think that's necessarily true internationally (Interview 24).

Interestingly, this participant has observed that on an international level perhaps those working in the human rights field are more pragmatic. If this is indeed the case, this may be an issue to examine when discerning if and how human rights as a framework is viable in the US—would it be more or less appealing if it were seen as a practical approach? Perhaps the history of exceptionalism has influenced domestic human rights advocates to position themselves as more ideological than practical if, in the US there has not been a precedent set for the practical application of a human rights framework.

The image of the HR activist wearing rose-colored glasses who is ready to immediately transform the world into a better place was a caricature that was not valid in the eyes of one HR participant who countered:

I also think that some of the ways that human rights as a context, as a paradigm, is used can be academic. And it can be all those bad things that people say it is. But when it's used the right way, and when it's made to come alive, then there's no question that it's a useful advocacy tool (Interview 26).

Although the focus of the interviews was not specifically what the DV movement has accomplished in the US and where there were flaws, this conversation was common in light of exploring if and how a HR framework has or could change the DV movement. In response to the concerns about praxis and whether HR was applicable beyond being merely theoretical and academic, one anti-violence activist who supports integrating HR into the work provided this critique of the current DV movement and the ideal of "pragmatism:"

Ok, so, your pragmatism, what did it do for this women, you know, the bruises and beating you see on her face is not from her abusive partner, it's from the officer who responded. What is your pragmatism doing for this woman who was sexually assaulted by the officer who responded? What is your pragmatism doing for the woman who was arrested by the officer who responded? This, this is your pragmatism so now let's be real about who you are actually helping and who you're hurting with this approach and then maybe we can talk (Interview 29).

#### *Single-issue Focus, Single-issue Response*

Participants initially described either their work in their respective field or their perspective regarding how they and their organization describe DV. In terms of defining DV, there was a continuum of responses primarily related to ideas about

social learning, patriarchy, coercive control, and the historical context of violence and dominance. A number of organizations that work with women of color also focus on DV within the context of individual, community, and State violence; within the context of other forms of violence against women such as sexual assault; and within the context of colonization, oppression, and racism. These initial conversations were jumping off points to discuss the human rights framework and the impact and/or potential impact of HR on the DV movement.

Since my motivation for pursuing this research was based in my own concerns regarding the over reliance on the justice system and the damaging impact that this has had on some individuals and communities—particularly women of color, immigrant women, and poor women—all of the participants were informed about my own perspective and position regarding the DV movement. Depending on their position in the field and their opinion about the current state of the DV movement, we would spend a range of time exploring the history and impact of the justice system response. While there was no consensus, most participants—particularly in the DV field—did agree that the justice system response was prominent and that there were issues to contend with as a result. Mirroring the literature, women of color offered more discussion and a significantly more nuanced critique than most of the white women that I spoke with. Closely related to the engagement of the criminal and civil justice systems was the perception of the movement/field as being narrowly focused on a single issue and, sometimes, on a single response. Again, there were gradations in

opinions about the extent to which this is the case and the function and impact that this focus has on the movement and on survivors of domestic violence.

A participant who has been engaged with the DV movement for 30+ years reflected on the history of the movement:

...is a huge kind of tactical move that you make but at the same time you're constrained by what kind of things you can do, so I don't think you can just say that, well, people decided to go this criminal justice route—that's not really what happened—people did a whole bunch of things and only certain things worked (Interview 16).

In thinking about the trajectory of the movement, a participant whose work has included both DV and HR work concurred:

...the movement was really moving further and further into institutionalization, further and further into professionalization and was actually becoming in some ways much more rigid in its views and much more rigid in its discourse and how it analyzed the problem of domestic violence particularly (Interview 12).

Countering this idea of rigidity, a participant who was relatively new to the DV field believes the analysis within the field continues to be broad; the reasons for maintaining a more singular focus are because "most of us are strapped for time; that we're working from crisis to crisis or we're working from, in my case, one bad piece of legislation to another" (Interview 6).

*A holistic response—shifting the paradigm.*

While one participant acknowledged the need to expand the scope of the DV movement, he also commented that in his 30 years of working in the DV movement one aspect he found particularly compelling was that battered women advocates "try to make the issue crystal clear" (Interview 22). He suggested that if HR expanded the

conceptualization of DV there would be a loss of this clear focus yet there might be gains in terms of a more expansive framework and response. Supporting the strength of the clear gender analysis, yet assessing the challenge of including a greater focus on intersectionality, one participant stated:

The gender analysis in this movement is pretty good. They can make the link, they can relate it to patriarchy and that it's a global issue. And they can go back historically—how marriage laws—you know, they can trace that...if you try to get them to think a little deeper about economics, if you start to even get them to look at race; I think that, again, theoretically they can talk about it. I think a few of them can actually do something like create that one position in their whole program that will allow that. Will they infuse it in their movement? Will they infuse it in their mission statement, into their services on a daily basis, into their partners that they choose (Interview 10)?

Critiquing the tendency to focus on an immediate, reactionary intervention, a participant who had a history of DV work, yet was currently engaged in HR work commented:

...so we still see the fragmentation of the individual being served when a domestic violence organization or community of organizations deals with an individual only in relation to the violence that they are recovering from and does not deal with the various other issues around economics, race, sexual orientation, developmental issues, global issues, educational issues (Interview 2).

In response to the belief that the DV movement tends towards a singular focus and responds to the immediate impact of the violence through a criminal and/or civil justice intervention, all of the participants from the HR arena and a few from DV believed that one of the most significant impacts that could be made by reframing DV as a HR issue would be that it could provide a way to “connect the dots” and provide a more “holistic” analysis and response to domestic violence. A HR activist who has

worked with local DV groups and who indicated she has been getting an increase in interest in HR in her local community stated:

But the hope of the woman who invited me was to start a dialogue because the focus or the response has been so focused on criminal justice and not enough—not enough of creating a broad movement that's linked to other issue areas. Because I think her frustration as I understood it was that they're working and it almost feels like everyone works in silos and so you have their own issue which is very connected to so many other human rights issues such as housing and healthcare and general gender discrimination, but often those groups are not working together because it hasn't been articulated in a way—or their issues haven't been articulated under a uniform umbrella (Interview 17).

Another HR activist with a long history working on issues of violence against women, human rights, and reproductive justice believed that advocates often were approaching and working with women in a more holistic fashion yet had to do it “secretly” while addressing the violence was the “one service above the table” (Interview 18). What these HR activists tended to point out was that human rights ideology and documents encompass a large range of human needs and experiences—citing for example the ICECSR. The suggestion of those actively engaged in human rights work is that acknowledging the economic, cultural, and social rights of survivors of domestic violence would allow for a broader response than the focus on immediate safety for her and adjudication of the batterer. The premise is that perhaps this larger framework would bring the mainstream DV field, in a way, back to its roots—to a position whereby DV is contextualized to a greater degree within the economic, cultural, and social realities of the survivors and perpetrators of violence. The addition of more recent documents and focus on rights based on gender

(CEDAW), race/ethnicity (CERD and the *Declaration on the Rights of Indigenous Peoples--Draft*), and disabilities (*Convention on the Rights of Persons with Disabilities*) are suggestive of the potential for a human rights framework to more adequately address intersectionality, structural issues, and the complexity of the lives of survivors of domestic violence than the current framework is now doing.

To sum up how she saw the HR perspective as one that offers a more comprehensive analysis, one participant from the HR field related a conversation she had with an Afro-Brazilian woman:

And I asked her, why she and her colleagues had created an organization with a human rights framework and she said, 'It's because when I would go to the woman's movement, I couldn't be black and when I went to the Afro-Brazilian movement, I couldn't be a woman. When I use the human rights framework I could bring my whole self and I could deal with my whole self' (Interview 20).

*"The time of single-issue organizing is quickly coming to an end."*

Providing commentary not only on the DV movement but the tendency for social justice movements in the US to be splintered and, at times, disconnected, this HR participant stated:

What domestically we've not done a good enough job with, and this is true internationally as well, is saying you know one of the things that's really valuable about a rights framework in this work is that it really lets us build across identity, and it lets us build coalition across different movements. So one group can be talking about race related oppression towards African Americans and a human rights framework immediately builds a link to people doing work related to race oppression and Latinos or Asian communities. And at the same time, all of those groups get to use the same language and work in partnership with people doing anti-sexism work and with people doing queer work or with people doing prison reform work. You know, one of the values I think of a human rights system is that it casts a very wide net, it's a big umbrella, it's a big tent in which we all can be doing our work. And one of the

failures I think within the US from a movement perspective is that we've never really sang the praises of the coalition part...and that's partly activists' fault and it's partly the fault of those creating a political and social climate that fosters those distinctions (Interview 26).

HR participants gave examples of how they saw the framework as an “umbrella” or “foundation,” which included working in coalition across social justice issues and internationally, suggesting:

Different movements can come together around a common goal, so for example, NGOs and Amnesty International and prison advocates can work on what happens to women in prison—that all can come together...It brings together the very divided movements for social justice in the United States under kind of like an umbrella concept of human rights and it allows people to find common ground and then to work together (Interview 28).

Speaking specifically to the need to create alliances among Native American women, one DV activist remarked:

...in order to organize at a national level we need to know one another, how to access one another and to develop a plan in order to create that kind of movement. That's what I see us at the beginning of doing. We are having those conversations but it's like, yeah, nobody's going to take these issues up as a human rights issue—nobody else is going to do that, we need to do that (Interview 11).

If the DV movement is lacking in a holistic focus and is mired down in a single-issue focus, it also may be disconnected from a larger global perspective as one participant in the DV field remarked about international engagement, “We could do better” (Interview 19). Another DV participant observed:

One of the things that I notice about, the little that I've heard from the DV movement, is that there's no international contact. I never hear them talk. Now I bring international context because I am an immigrant and I do a lot of work in Central America and Mexico and I bet you that if we created a group and

took them to Nicaragua, for example, where they're doing really good DV work, I think that their perspective would change (Interview 15).

A participant from a national mainstream DV organization reflected on the lack of international engagement and the potential to expand the national perspective:

I think that it would make the issue of domestic violence so much more global. When we think about domestic violence in this country we think solely about—it's very US-related—and if we were to partner with organizations which frame it in more of a kind of global issue, because that's what would happen, if you started framing it as human rights, people are going to start thinking about it more globally—if you start bringing together people who do human rights work it would build more of a network to address this globally and, I know for a fact that a lot of people who do this work in the United States could probably—not care less—but really kind of have no idea what violence against women is like in other countries and I think that it would definitely open up a larger dialogue about what is going on in other countries (Interview 19).

*Reaching out in the community.*

Not only did a number of participants suggest the potential for increased coalition-building across social justice issues and across geographical boundaries; they also believed that a human rights framework could engage communities and individuals—particularly men—in a way that perhaps the predominantly justice-oriented framework has not been able to do. There are a number of reasons that community members may refrain from engaging in preventing and intervening in domestic violence which may include fear of the criminal justice system, lack of personal connection, and lack of awareness or education about the issue. If an act of domestic violence is viewed more or less as an individual crime perpetrated by a member of the community it is more likely that other community members will be

able to distance themselves from that act and from the issue itself. It can be relegated to the realm of “other”—the criminal, the anti-social, the “bad apple,” and the community can presume the criminal justice system will deliver justice as expected and that it is an individual, not community, problem. While the DV movement has certainly worked long and hard to educate the public about domestic violence and make it a community issue (Shepard & Pence, 1999) the nature of the criminal justice system serves to remove responsibility and accountability from the community and place it in the hands of law enforcement.

Additionally, communities of color and immigrant communities have a more complicated set of issues to contend with when criminal justice involvement is the primary framework with which to view DV. Safety issues for women who report DV to the police, fear of deportation, and the sense of responsibility for the continued disintegration of the community may all be reasons to avoid involvement in the issue of DV (Ferraro, 1996; INCITE, 2006; Narayan, 1995) One participant described the complexity of the issue:

...there’s this tension between, “Ok, if I’m exposed or if I am a victim or suffering violence from someone else in my community, do I go to the State knowing that men in my community who are perpetrators—might be perpetrating violence against me—have also been victims of violence from the State?” So it’s a conflicting identity really or allegiance, I should say, to one’s self versus to one’s group (Interview 17).

In response to this tendency to stay outside of the issue, some interview participants suggested that a HR framework could be more accessible and engaging to communities:

Then it involves everybody—it doesn't leave you out just because you're not directly engaging in an act of violence, but, I think it allows you so see these systems of power—the legal system, the health system, the judicial—the police—whatever—differently. In a more questioning manner rather than saying, "Oh, it will deliver justice," because you begin to look at it with a kind of lens of, "Is something happening that is keeping things unjust" (Interview 8)?

Another participant from the HR field offered:

You don't need to be a lawyer to understand human rights—that's another reason that I think it's particularly powerful—it's something that victims as well as their advocates can use and I feel like it's something that communities can use in doing community organizing and in thinking about more community based approaches to asserting human rights. I feel like it puts everybody on more of a level playing field because it's more tangible and comprehensible to a broader population and that's important to me (Interview 13).

*Engaging men—an ongoing struggle.*

The US feminist movement and the US DV movement have had an ongoing struggle with how to approach engaging men in the movement. The "man question" in US feminism is based in numerous fears and experiences—fears that men will co-opt the movement; that they cannot understand gender oppression; that they may engage in the movement for their own self-aggrandizement, not as genuine allies; and that men hold significant responsibility for the maintenance of patriarchal hegemonic systems and beliefs, and, as such, can never be feminists. Granted, there have been examples of men's movements that have made some of these fears a reality—the mythopoetic movement, aspects of the men's studies movement, and "father's rights" movements (Flood, 2001; Schacht & Ewing, 1997), yet on the other side of this contested issue there are important elements to consider. As feminist thought has

moved beyond the “essentialized” woman, it seems that moving beyond the “essentialized” man is equally important (Schacht & Ewing; Tarrant, forthcoming). To locate the multiple identities that humans inhabit requires feminists to acknowledge that this holds true for men, women, and individuals who identify along the continuum of gender (hooks, 1984).

Additional concerns include how men can safely work in the DV movement and fears that men’s involvement would divert resources from women to men (Kaufman, 2001). While these are critical arguments, it may be possible to engage men in anti-violence work while remaining cognizant of potential pitfalls. One strong argument in favor of men’s involvement in the DV movement, and larger anti-violence movement, is that men need to be responsible for stopping their own violence as opposed to women being responsible to make men stop their violence (Flood, 2001; Kaufman, 2001). Advocates for male allies are often cautious and clearly outline ways in which men can act as a “bridge” (Schacht & Ewing, 1997) and offer caveats and guiding principles that include working in partnership, being accountable to the “feminist constituencies” (Flood, 2001, p. 45), listening to women and women’s experiences, and being willing to examine and reject male privilege to name a few (Flood, 2001; Kaufman, 2001; Schacht & Ewing, 1997).

So while there is no consensus about men’s position in the DV movement—those in favor of engaging men to work together to stop violence against women believe that the HR framework would be more inclusive:

I think what I said earlier, that the human rights framework makes us understand or at least helps us understand that we have collective responsibility for the conditions that exist in our communities, collective responsibility for addressing them. I think that men have a role in holding other men accountable and I think that's one way in which some of the models that have sprung up have worked with male allies (Interview 29).

### *Additional Considerations*

So while organizing the themes under State/institutional response and movement/work on the ground speaks to a significant number of themes that were brought up in conversations, there are additional issues that are important to consider when looking at the intersection of domestic violence and human rights in the US. Traversing both realms are issues related to gender, immigration, and sovereignty that were brought up in some of the interviews—often dependent upon the participant's own identification and/or constituent group. While some of these issues were brought up more than others, they all hold a significant place in the dialogue and demonstrate the complexity of addressing DV with any one framework unless that framework can be adjusted to meet diverse needs.

## Chapter 5

### Intersectionality: "...think outside the box"

#### *What about Gender?*

In my first interview the participant, who was from the DV field, raised the concern that "the human rights perspective has often lacked a gender analysis." While no other participants specifically raised this concern, I brought it to the conversations on many occasions. It was taken up more by individuals working in HR than in DV, possibly due to comfort level in addressing the issue, as a number of participants from the DV field suggested that they did not believe they were particularly well-equipped to examine the specifics of human rights ideology. The response from those working in HR was varied—from out and out shock that someone would suggest that a HR framework does not fully incorporate a gender analysis to a similar disbelief that someone in HR would not see that the human rights movement has continually struggled to fully incorporate a gendered lens into the work.

One woman who worked nationally and internationally with human rights and violence against women organizations reflected on the challenges she observed, reporting that some large human rights organizations have developed specific branches of their programs to address women's human rights yet she did not believe that issues relevant to women were fully integrated into the organization as a whole. She suggested that the larger organization would then become "totally clueless about

gender” indicating that once the subdivisions were developed gender was “totally off their agenda” for the organization as a whole. At the same time, this participant reflected that the human rights framework is “open to being very gender conscious and all of that, but it’s certainly not inherent” (Interview 20).

Reflecting on the potential of human rights and what she sees as possibly a lack of understanding from outside the human rights movement, this participant from the human rights field stated:

I think a lot of DV groups have a perception that the human rights movement is not gendered at all and I think that in part that’s right, but in part it’s wrong. Part of that comes with just a misperception and a stereotype that sometimes is grounded in fact. You look at the paper and you see that Amnesty International or Human Rights Watch—they’re quoted all the time in relation to Guantanamo, in relation to Iraq and on and on, and it’s the gender related work that’s not always surfaced publicly. And I think that’s a failure of women’s organizations as well as um...well, let me say this gently—to only rest with the stereotype of human rights work not being gendered (Interview 26).

A participant from the DV field suggested that perhaps the human rights analysis may bring in other elements and while not being solely based in a gendered perspective, may expand the dialogue in a useful manner:

In a way of saying it’s a human rights issue, there’s an analysis that we’ve had that has clearly been certainly a feminist reality which is very, very useful, but I think in some way if you make it a human rights issue, on one level it takes the luster off that—which I think on one level is bad—but I think in another way it probably reframes it so it’s—I think it has a different dimension and that may not be so bad. I think it’s not either/or, I think it’s both/and (Interview 22).

In contrast, one participant thought it was “astonishing” and “shocking” to hear that there had been concerns regarding the lack of gender analysis in the human rights field. She indicated because it took “so long for the international community to

recognize women's rights and human rights—the human rights of women” (Interview 7) that perhaps this belief in a lack of gender awareness has carried through for individuals in the DV and other social justice fields.

While a few participants had similar thoughts—that documents such as CEDAW, DEVAW, and the Beijing Platform are evidence that human rights is now clearly imbued with a gender analysis—other participants proposed a more critical look at the human rights field and suggested that perhaps “We're not where we should be” (Interview 26) Another HR participant acknowledged what she saw as a fear-based response from the DV field as perhaps they thought, “Oh my god, we're going to get absorbed in this mass of, you know, no focus on women” (Interview 8). This range of comments reveals the variety of perspectives regarding exactly what a “gender analysis” implies—is it simply a “focus on women” or is it more multifaceted—an on-going assessment of the ways in a human rights framework does or does not engage gender in ideology and application.

This variety of perspectives related to gender and human rights could arise for a number of different reasons. Related to the previous comment about what is given more prominence in the public forum, is the history of discounting “private” abuses which disproportionately impact women. Human rights groups such as Amnesty International have continued to increase their engagement in women's human rights issues with an international campaign to stop violence against women and a recently released report, *Maze of Injustice – The Failure to Protect Indigenous Women from*

*Sexual Violence in the USA* (Amnesty International, 2007). While these developments may continue to influence public discourse and perceptions related to women's human rights, it is unclear how much of this information does actually "surface publicly;" it would be an interesting inquiry to determine the prevalence of media attention to women's human rights versus human rights concerns that are more often relegated to domains that are presumed to be male dominated. Additionally, some of the participants suggested that either they felt "a little ignorant" about human rights or that the US public in general is relatively unfamiliar with human rights; a human rights and violence against women activist indicated:

In 1998 we did a survey of what Americans knew about the Universal Declaration, it turned out that 93% of them had not heard of the Universal Declaration. So, given that data, we see as part of our mission to educate people about what their human rights are because you can't fight for rights that you don't know about (Interview 18).

Given this lack of public attention and familiarity with women's human rights issues coupled with the contrasting international push for an acknowledgment of "women's rights as human rights," it seems likely that this varied perception regarding the gendered nature of human rights would be exhibited by the interview participants.

Two participants also brought up the issue of the presumed dichotomy of gender when the term is used within either the DV or HR field and suggested that it would be a necessary undertaking to examine how either a "gender analysis" or a "human rights analysis" would encompass transgender individuals in particular, and others who identify their gender as falling on a continuum rather than a pole.

### *Continuum of Gender*

While the issue of a human rights analysis related to the fluidity of gender categories was not a prominent one in the conversations, it is one of many of the complicating factors that arise in both the DV and HR fields. While participants may have had a range of thoughts on the issue, I did not pursue this line of inquiry myself for a number of reasons. This decision certainly has an impact on whether the conversations touched on the issue of transgender individuals and how they would or would not be served by a human rights analysis. In terms of my own perspective, I set the interviews up with the idea that the focal point of the conversations was domestic violence as heterosexual, male to female violence. I chose to focus on heterosexual male to female violence given that the majority of the organizations I was contacting had larger constituencies dealing with this form of DV. I did attempt to interview a few organizations/individuals who worked specifically within LGBT communities yet discontinued my attempts after numerous calls, emails, and letters went unanswered.

The literature in both the DV field and the HR field is rather limited in focus on LGBT communities—particularly with regards to specifically focusing on transgendered individuals. Since the 1990s there has been greater attention placed on DV within lesbian, gay, and bisexual relationships (see Renzetti, 1992; Renzetti & Miley, 1996; Ristock, 2002) yet there still remains little mention of how DV impacts transgendered individuals. Most often they are “lumped” together in writings on LGBT or lesbian, gay, bi-sexual, transgendered, questioning, queer, and intersex

(LGBTQQI) communities yet not pulled out as a separate group to assess on their own. Clearly there are limitations to this approach given that transgendered individuals may identify as heterosexual, lesbian, gay, or bisexual and so the analysis of same-sex partnerships will not always be applicable to a transgendered population.

In 2007 the National Coalition of Anti-Violence Programs (NCAVP) issued a report, *Lesbian, Gay, Bisexual and Transgender Domestic Violence in the United States in 2006* (Fountain & Skolnik, 2007) which includes statistics from reporting agencies on the gender of the “victims” to include female, male, intersex, self-identified/other, transgendered F-M, transgendered M-F, and unknown. The report indicates that there were low numbers of individuals who identified as intersex, transgendered, or self-identified/other and that they believe that the statistics they gathered represent a fraction of the DV or intimate partner violence (IPV) that is experienced in LGBT communities. The report also includes short narratives, a few of which are by transgendered individuals (Fountain & Skolnik). While there may be an increased focus, much more work needs to be done within the DV field to begin to illuminate issues relevant to the impact of DV on transgendered individuals.

Likewise, there has been a limited focus within the HR field on human rights related to LGBTQQI communities. There are few LGBTQQI organizations that have consultative status with the United Nations—approximately seven out of approximately 2,800 NGOS. Gaining consultative status allows NGOS to attend UN meetings of the Economic and Social Council and to prepare and submit oral and

written reports related to human rights issues (Equal Ground, 2007). Most of these groups have had consultative status only since either late 2006 or mid 2007 which is suggestive of the limited voice that LGBTQQI groups have had within the UN forum. There are also no specific human rights documents that address LGBTQQI human rights, although some documents do focus on gender discrimination, such as CEDAW. Additionally, the *Draft Inter-American Convention Against Racism and All Forms of Discrimination and Intolerance* includes discrimination based on “sexual orientation,” (International Gay and Lesbian Human Rights Commission, 2007) although to date the draft of this convention, a convention of the Organization of American States, not of the United Nations, is not available and has not been open for signatories (Organization of American States, 2007).

Given the dearth of information on how DV impacts transgendered and other individuals who do not identify with a binary gender system and the minimal support that has been given to LGBTQQI individuals within the larger human rights system, it is difficult to assess how and if a HR framework for DV would be a useful and supportive framework through which to address DV in these communities. It appears that both additional research and additional advocacy will shed some light onto this issue as groups such as NCAVP, the International Gay and Lesbian Rights Commission, and Astraea, to name but a few, continue to address DV and HR issues in the LGBTQQI communities.

### *Race/Ethnicity*

Given that I spoke with a majority of participants who identified as a person of color (62%), many of whom work for organizations specifically addressing DV within certain racial/ethnic communities, the conversations often focused on the intersecting realities for women of color and immigrant women who experience domestic violence. The potential for a human rights perspective to offer a more appropriate framework and response to women of color and/or immigrant women was addressed within the context of a number of thematic discussions such as the potential to encompass a greater range of issues such as economic, social, and cultural rights/issues, and the potential to move beyond a justice system response. Interestingly, the four white women who were engaged in DV work seemed the least supportive of the potential for human rights to be a viable framework; in addition, three other white women (out of a total of eleven participants who identified as white, Caucasian, European-American and/or Jewish) working in HR and an amalgamation of the two also seemed less supportive of the integration of DV within a HR framework. They did dialogue about possibilities and some took more of a critical perspective in general than others, yet the conversations as a whole were often more about problems than they were about potentials.

One participant who works with DV and women of color and who has used HR to some extent within her work also described how the challenges for women of

color, while they may be addressed within a human rights perspective, may also make it difficult to embrace the framework:

I guess the only issue would be if a human rights doctrine or human rights approach would say that we, as a movement, would have to take on every single issue there is. I would have to say, for women of color, it's hard enough to just get people to think about looking at race too—so trying to get them to look at every issue...I think if you're looking at women of color, if you're looking at marginalized communities—they can probably think outside the box a little bit because that's where we live (Interview 10).

### *White Privilege and Racism, Revisited*

I suggest that white privilege is one lens through which to view the response of the white women concerning the viability of a human rights framework maintaining that white privilege allows whites to “stay inside the box” rather than “think outside the box,” particularly given that white supremacy has created the box to begin with. While I do not want to imply that none of the white women I spoke with could critically evaluate the possibilities and suggest benefits, for some certainly did and were supportive of the idea of human rights, these tended to be participants who were already engaged in the human rights field. Of the DV participants, all of the white women revealed more reluctance or resistance to the idea and only one of the women of color participants was resistant to the framework. While the white women agreed that the DV movement is heavily dependant upon the criminal justice system and State funding, and one participant clearly articulated how she saw racism within the history of the DV movement, the focus of these interviews seemed to be more about why a HR framework would not work and why the DV movement has taken the course that it

has taken. Two of these interviews also seemed “defensive,” as if questioning how the DV movement could shift was an affront to any of the work and success that had come to pass.

Perhaps white privilege allows whites, myself included, to stay safely in the comfort zone of “yes, but” rather than moving outside to look at other options. If the criminal justice system affords whites a sense of security that it does not for communities of color then perhaps it is easier to believe that the justice system will deliver justice. Perhaps it is easier to see this as our best effort because we have less to fear from the police officer, the child welfare worker, the judge, and/or the prison guard. As a white woman it is less likely that I will be assaulted by the police officer who responds to a domestic violence call (Incite, 2006) which can give me the privilege of being critical of the criminal justice system and of the trajectory of the mainstream DV movement with the comfort that I will likely experience less backlash. As a white woman I am seen as less of a threat and I am perceived as a voice of authority. Additionally, while I am critical, privilege ‘allows’ me to feel less urgency about the problems inherent in the State entanglements with the mainstream DV movement. For women of color whose day to day existence is impacted by the criminal justice system the urgency for the system to change is much more palpable.

I can best speak from my own position of privilege yet, given the insidiousness of white privilege, I can presume that the white women I spoke with and other white women in the mainstream DV movement may have similar experiences. Focusing on

the criminal and civil justice systems I would say I have had a relatively disengaged or neutral experience with these systems throughout my life—a result, in part, of my position of privilege—particularly white privilege. I grew up in both suburban and rural areas that were almost entirely white—I do not recall having any impressions of the police or even seeing the police until perhaps I was of high school age. Any interaction I had was relatively benign—certainly I never considered that I was at risk of being assaulted, harassed or “profiled” in any way. Since moving to various urban areas throughout the US this has not changed, although I can recall a police presence a bit more, but again not as a threat to my person.

Turning my view to police engagement in communities of color, there has been a significant focus on how young African American and Latino men have been targeted by the criminal justice system and, to a much less degree, how women of color are targeted (Richie, 2006; The Sentencing Project, 2007). There is clearly a world of difference between the police presence in communities of color and police presence in privileged white neighborhoods and communities (Brunson & Miller, 2006; Engel & Calnon, 2004; Parenti, 1999). If the criminal justice system represents a complex web of threat, harassment, terror, loss, and perhaps, at times, safety—it seems more than reasonable to suggest that these lived experiences would have a profoundly different effect on critiquing the criminal justice system, looking for new avenues to address social problems, and “thinking outside the box” than would an

experience such as mine—neutrality, disengagement, and a distanced feeling of mistrust based on literature reviews and news stories.

In a movement which has been dominated by white women, the criminal justice system response is what ultimately took hold as the primary DV intervention. As noted previously by a participant who suggested that DV advocates did not initially strategize to engage only the justice system, yet it was what “worked,” white privilege is likely a significant factor. This same participant reflected:

I could see the animosity between black women and the police and so when the women were calling the police, a lot of black women were calling the police and they were wanting his butt out of there but the animosity between black women and the police was also just palpable in every single call I was on. I knew back then that the way police were dealing with the black community was a huge other social problem. And it was connected with the way they were dealing with battered women, but why didn't me and other people like me link those two together completely and work with the black community on police brutality and police ignoring the fates and needs of battered women as the same issue in many ways...and that has always been kind of the failure of the battered women's movement is to not make the connection with the civil rights movement and all the issues of racism and to do that by turning to women of color and forcing a situation where their leadership was predominant and we just didn't do it (Interview 16).

In terms of the civil justice system my interactions have been solely professional in the context of my work with clients of Child Protective Services. There were occasions when I was called into juvenile court to testify and, while not particularly pleasant, the integrity of my family or community was not at stake. I do recall one of the few times I had to testify during which time I was supporting the work that my client had done in therapy and domestic violence group. The judge, an older white male, interrogated me about the domestic violence program and appeared

to take a rather demeaning tone towards both myself and the program. I can recall how angry and uncomfortable I felt even 7-10 years later and remember seeing this experience as based in a sexist response to the material I was describing. While I still believe this is true, I can acknowledge that what I saw and experienced was through the eyes of a white woman and so the only oppression I had experienced and continue to experience, for the most part, comes from that place. While not wanting to fall into the trap of ranking oppression (Collins, 2003), I want to note that I was responding fully to my experience and yet need to be aware it was simply one piece in a much larger puzzle. Perhaps there may have been other issues at play too—my status as a mental health professional could be seen as “lesser” compared to a Circuit Court judge so it is possible that his treatment of me was based on more than my gender, yet for me my gender has always had more “salience” (Collins, p. 334) than any other social or identity group. Similarly, a co-worker in the same program who was a Latina woman had recounted that another older, white judge had referred to her when she was on the stand as “little lady.” I recall that the small group of us—three women, two white, one Latina—all discussed this in light of the sexism that we saw as palpable in that interchange yet we did not talk about how it could have also been a racist remark.

Given that there has been substantial evidence that children of color, particularly African American children, are overrepresented in the child welfare system and the additional complexities regarding the intersection of class and gender related to child welfare (Hill, 2004; Roberts, 2002) it is apparent to me that, like my

response to the criminal justice system, my response to the civil justice system and to the child welfare system is, again, based in part on white privilege. Where I saw sexism in the system—particularly when women were continually being revictimized and held accountable for their partner's violence, sometimes to an even larger degree than he was—there were other systems of oppression to address such as class, race/ethnicity, sexuality, and gender identification.

My own blind spots, evidenced by not experiencing or noticing racism in the criminal justice or child welfare systems in my communities or my work settings are blind spots that may easily have influenced how I engaged in conversation with participants and how I analyzed the data. I may have avoided questions or been unaware of how to proceed along a certain line of exploration due to my own blindness and/or focused on certain themes in the data without seeing other salient themes. While I can remain vigilant about how my privilege influences all of these aspects of myself and my research and work to dismantle them, it is critical to note that the potential exists.

#### *Heterosexual Privilege*

Related to white privilege and my position within the research is heterosexual privilege. As indicated at the onset, I chose to create a boundary around the project by focusing my work on heterosexual male to female violence while at the same time acknowledging that this is not the only form of domestic violence. Underneath my pragmatic concerns lies the issue of heterosexual privilege. As someone who has been

in a long-term heterosexual relationship and who is surrounded by pervasive messages of heteronormativity, how has this project been influenced?

While I have attended trainings on working with LGBTQQI survivors of DV and attempted to interview a number of individuals who work specifically within those communities, I continue to wrestle with my choices regarding my community work and my research. Again, who I “saw” in front of me were women and men who publicly identified as involved in heterosexual relationships and who were in either the women’s group for survivors or the men’s group for men who had been battered. In this way I perpetuated the “invisibility” of DV in same-sex relationships that is mirrored in the dearth of research and writing about DV in LGBTQQI communities (Burke & Owen, 2006; Seelau & Seelau, 2005). In my years of doing domestic violence work, I recall our program was approached only one time with a request to provide group services for a lesbian who had been identified as a batterer. The referring caseworker asserted that it would be appropriate to include his client into our men’s group for perpetrators, while we believed that this would not be an appropriate service for his client. This illustrates how service providers either remain uninformed about the dynamics of same-gender DV or ignore this issue by not creating viable services to offer the LGBTQQI community.

Particularly significant are two specific choices I made in this project—leaving sexual orientation off the list of demographic questions until a participant chose to identify herself as “queer/bisexual” and not recognizing my omission of any dialogue

about heterosexual privilege until it was brought to my attention after the data had been collected and analyzed. Interestingly I also noticed that of all the demographic questions I asked, the only question in which there were many pauses before answering and which elicited comments such as “Why do you want to know that?” was the question about sexual preference. Closely linked to how myself and the larger DV community discount experiences of LGBTQI individuals by focusing solely on heterosexual relationships, are the experiences of invisibility of Native American women which my participants described.

#### *Native American Women and Invisibility*

One participant acknowledged that from her perspective as a Native woman who has been engaged in anti-violence work for over 30 years, DV is one of many human rights violations that Native women experience and one of her primary concerns is the high rate of removal of children in DV cases. She also reflected that as a framework she sees HR being used more when addressing immigrant populations than other groups in the US:

In tribal communities throughout the state women are still losing custody of their children as a first response to domestic violence and in fact more quickly than ever. And so failure—what gets identified as failure to protect is a major issue and underlying that are the issues around jurisdiction but underlying that is a real basic you know, human right that’s being violated—that Native women are not being protected. We do not—you know—due process of the law is not something that necessarily we see as our right. And to me that’s a human rights issue. So, in the few times that I’ve gone to meetings where there were discussions about human rights and there were feminists there from the US, it’s like the human rights issues get framed in terms of immigrant rights (Interview 11).

This statement is suggestive of the recurrent theme of “invisibility” in both interviews with Native American women. In this case this participant is able to clearly identify how domestic violence and the accompanying revictimization of Native women who lose custody of their children due to domestic violence are human rights abuses yet she also identifies human rights as only being applied to immigrant populations, thus leaving indigenous women out of the picture.

And in raising the issues that Native women are experiencing here, it’s like also total invisibility. And feminists that I strongly respect for the work that they’ve done, it’s like, there’s not an understanding about Native women’s issues, not an understanding about the struggles that we encounter and, not even a legitimizing of it (Interview 11).

The specific issues raised by the two Native American participants—what has been observed by one to be an alarming rate of the removal of Native children, the lack of accessible services, and the complex issues that sovereignty raises in terms of legal jurisdiction, were seen by both participants as significant human rights issues that are not being addressed by the larger DV community for Native women. These participants concurred that the experiences of Native women include complex issues related to the criminal justice system and jurisdiction and the allocation of federal versus state funding. For example, not all tribal lands are located in states under which Public Law 280 (PL 280) applies. PL 280 which was passed in 1953 gives state and federal governments legal jurisdiction over tribal lands as opposed to states without PL 280 in which tribal law enforcement has primary jurisdiction. The Tribal Court Clearinghouse has suggested that in general the impact of PL 280 includes:

- an increased role for state criminal justice systems in "Indian country" (a term which is specifically defined in federal statutes),
- a virtual elimination of the special federal criminal justice role (and a consequent diminishment of the special relationship between Indian Nations and the federal government),
- numerous obstacles to individual Nations in their development of tribal criminal justice systems, and
- an increased and confusing state role in civil related matters. Consequently, Public Law 280 presents a series of important issues and concerns for Indian country crime victims and for those involved in assisting these crime victims (n.d., ¶ 2).

This complex intersection of tribal, federal, state, and county laws and law enforcement has a significant effect on Native women's experiences of DV and sexual assault (Olson & Wahab, 2006). For example, in some locations if a non-Native were to rape a Native woman on Native land it is possible that no one would have jurisdiction to prosecute the offender (Smith, 2005). One participant noted that there is often a vast difference in responses to violence against Native women dependent upon whether she lives in a state with PL 280 or not and also suggested that she has observed that in states under PL 280 children are being removed from their homes if there has been DV at an increasingly high rate. Clearly this complexity points out that a criminal justice response may be problematic in either its absence or its aggressive presence and, as has been suggested by other participants, a consideration of the particular context is critical to take into account.

### *Citizenship*

The multiple issues that some survivors of domestic violence face include issues related to citizenship, access to services, and police protection. For immigrant women two of the primary concerns that were raised by the participants who had an understanding of these complexities were fear of deportation and lack of services in the language of the DV survivor. Some studies have indicated that the rates of abuse for immigrant women have been reported to be as high as 77% as compared to the range given for U.S. citizens of 12-50% (Narayan, 1995). Immigrant women face a set of issues such as having their legal immigration status dependent upon their marriage to a U.S. citizen or Legal Permanent Resident, and linguistic and financial dependence on their spouse. They may be disconnected from their family and friends from their home country and within the US or their husband may be part of the local community, thus making it difficult and/or dangerous for immigrant women to access support. If her husband or partner does not share the same ethnic and linguistic background she may be completely cut off from any community members with whom she shares a common language. Given the fear of deportation, a strictly justice system response is often seen by immigrant communities as deeply problematic and has been suggested to significantly impact calls made to report DV (Narayan, 1995).

Observing a number of these issues in her work, one participant who has worked on human rights and DV in immigrant communities indicated:

The translation issue is just huge here—translation, interpretation services are so needed in so many languages here. We have so many immigrant communities, there's like hundreds of languages represented in our school systems for example, so, people really recognize that the barriers are, in many ways, insurmountable for women who are isolated in violent relationships (Interview 9).

A few participants suggested that human rights may have more salience for immigrant women who may have a context within which to understand HR from their "home country." The idea is that human rights would not be a viable framework within the US due to the pervasive nature of exceptionalism and the assumption that in the US our human rights are completely protected, yet for women who bring with them a different history and cultural context human rights may be a familiar framework and language with which to frame social justice issues. Certainly this position is also not without problems given that within the international community there is also a continuum of adherence to human rights principles and so to presume that an immigrant brings more positive experiences and/or knowledge about human rights with her when she enters the US is not entirely accurate. One woman who began a consulting project with an organization providing services to Haitian women suggested:

Immigrant organizations that work primarily with immigrant populations are the ones that are best situated to actually mount a real effort to integrate human rights into the work they do because they are working with communities that understand the concept of human rights from their home country and you can then open the conversation about translating that notion of rights into their new host country (Interview 12).

While framing DV in a way that is salient to the community being addressed is critical, would framing immigrant experiences as human rights violations influence the larger DV movement or would it stay localized to specific immigrant communities?

While I strongly advocate for considering the local context before applying a framework or intervention, I am also concerned with the possibility that this application to immigrant communities could perpetuate the idea that human rights are something to address “out there” for “others” but for those who are not others it would still not be seen as a viable framework. A pitfall with this approach is that this would strengthen the belief in US exceptionalism by continuing to see human rights as an issue only for the “third world” rather than as issue globally, even if the context and application may appear different. A participant who directed a project aimed at addressing women’s DV experiences within the court system as a HR violation clearly pointed out how a local response from a government official demonstrated the belief that human rights are not an issue for US citizens, only for individuals from third world countries:

The reaction from the government was, “What is this crazy talk about human rights?” In fact, the chief justice for the family courts here was quoted in one of the local papers as saying that—and I’m paraphrasing now—that human rights systems are fine for third world countries but they’re not really applicable here. Um, and he did use the phrase, I think, “third world” countries when he talked about it (Interview 24).

Worthwhile to question is who are the US citizens that are considered completely protected by the Constitution and not in need of human rights protections?

Are people of color, “legal” immigrants, the poor, LGBTQQI, Muslims, and other individuals/groups contained within that vision?

*Could Human Rights Contain the Complexity?*

It is interesting to see how the various issues touched upon in this chapter speak to the complexities inherent in both addressing DV and in utilizing a HR framework. The othering that is apparent in the previous comment about the applicability of human rights for “third world countries” speaks to the depth of US exceptionalism related to human rights and also the related issues of racism, sexism, homophobia, transphobia and the myriad of oppressions that are inherent in the US. Social movements themselves are not outside of these systems of oppression even while attempting to counter them. As astutely pointed out for years, the feminist movement and by extension the mainstream DV movement, has struggled with issues of power, privilege, and oppression, particularly related to racism. Whether or not the human rights movement and/or human rights principles and ideology can serve as an organizing construct for DV in the US remains to be seen.

## Chapter 6

### Conclusion: “The jury’s out”

#### *Ambivalence*

My primary thoughts going into this research project were two-fold—would a HR perspective provide a framework to address DV in the US in a more comprehensive way, particularly for women of color, and is the women’s rights as human rights movement a Northern construct that has not always accounted for diversity and has proceeded in an imperialistic manner? Clearly these two questions are rather at odds with one another and I began the project leaning more towards having significant reservations about how the women’s rights as human rights movement may have privileged white, Northern voices and foreclosed a more comprehensive dialogue regarding the complex needs and experiences of women throughout the world. I feared that while a HR framework could have the potential to be more than a criminal justice response, the universal nature of the HR framework would override the potential and would reproduce some of the same problems as the criminal justice framework, overlaying one “answer” onto a complex problem.

As I proceeded through the interviews I found my position continued to shift, particularly related to the idea that, if developed and utilized critically, a human rights framework for DV and other anti-violence work in the US might hold promise. Granted, I was swayed most by some of the human rights participants who are

themselves advocates of a human rights foundation for social justice work, yet, when I heard how a number of them prioritized working from the bottom-up to engage communities, it appeared to have greater weight than imagining it as only driven by the UN and the people who hold power therein. My hopefulness was buoyed by the response from many of the participants who suggested that a HR framework could strongly support working in coalition, engaging communities and men in the anti-violence movement, and moving beyond a single-issue focus to more comprehensively address the issue of domestic violence and the related issues of violence against women, including community and State violence.

Looking back to the research questions that provided the foundation for my inquiry, the question, *Does bringing the issue of domestic violence into a human rights framework reinscribe hegemonic feminism in ways that are either ineffectual or oppressive and colonizing to women of color, immigrants and/or women in marginalized groups in the US and if so, in what ways?* continues to be a pertinent question with no easy answers. As previously mentioned, a couple of the participants had concerns regarding the potential for human rights frameworks to privilege political and civil rights and simply be used as an excuse to redouble the efforts to address DV and violence against women solely through a law and order approach, which would continue to adversely affect communities of color. Also, as mentioned with regards to immigrant communities, while the HR framework and language may be more salient given experience with HR approaches from their home country, I am

concerned that focusing on a HR framework solely for immigrant populations may promote continued marginalization of immigrant communities. The worrisome perspective is that US born (white and privileged) citizens are protected by the U.S. Constitution and do not need to look to international human rights standards, yet individuals who are from countries with marginal or poor human rights records could benefit from continuing to utilize human rights to address and understand social problems. The catch here is that this approach could perpetuate the myth that in the US human rights are not a domestic concern.

The idea of engaging a grassroots effort to work in coalition to address social justice issues using a HR framework has appeal yet certainly there are issues to contend with. The need to develop a local and national “human rights culture” (Falk, 2000, p. 57) seems to be at the core of the concerns related to resonance and US exceptionalism. Falk suggests that “a strong human rights culture is the necessary underpinning of an effective regime of human rights. Such a culture cannot take hold unless the political culture is supportive of human rights” (p. 57). As noted earlier, most, if not all, of the participants believed that we do not have a political culture that is supportive of human rights in the US. What remains to be seen is whether a grassroots effort can shift the tide in the US and if it can be done in a way that is responsive to the needs of the communities on the ground and attends to diverse needs.

### *Balancing Act*

Addressing the universalism versus cultural relativity debate, particularly in the context of social work and social justice, Ife (1999) suggests that while necessary to maintain a strong ideal of universal human rights, attention to diversity and cultural difference is possible through “relativism in the discourse of human needs” (p. 218). Echoing this sentiment, one participant noted, “The way I put it is that everybody has the same human rights, we just all need something different to achieve them” (Interview 18). According to Ife, adopting this perspective can allow for the process of applying universal principles within diverse, local contexts in a manner that is conscious of the actual needs of the communities but which does not move to the extremes of cultural relativity that, for some, have been used as excuses for harms done to individuals and communities in the name of “culture.” One participant in particular spoke to the manner in which her organization addresses issues of cultural relativity in their work in India:

You know, culture includes good things and bad things so you don't want to trash culture but you don't want to say that everything is culturally beautiful—exoticize it. So I think you really have to go through, again, questioning this monolith that has become culture and not culture and what are the tenets of human rights? Choice, dignity, participation, respect or whatever. ...we actually do some workshops whereby we really look at culture and say, ok, in Indian culture, we had some people say, “Oh it's such a beautiful culture and blah, blah, blah” but we also had suttee, we also had other things...we are fine with those practices not being part of our life today. There are other cultural practices that seem acceptable and maybe in another 25 years there will be

people who say, “No.” This whole idea that even culture is changing and who’s the keeper of culture? Who defines tradition (Interview 8)?

By balancing universal rights based in the belief of a universal humanity (Ife, 2006), assessing local application of the relative needs of a community and opening up the dialogue so as to not exoticize and essentialize any one idea of “culture” a critical process could be developed whereby human rights could be a foundation for social justice and social change work that would attend to diverse needs and realities.

#### *Individual Rights and Group Rights*

Additional aspects of the universality and cultural relativism debates are related to the history of the development of human rights and the prioritizing of individual rights versus group rights. While there is some contention that contemporary human rights ideals are based in ethics found in a variety of cultural contexts (Ishay, 2004), others contest that human rights doctrine and principles are “the Trojan horse of recolonization” (Esteva & Prakash, 1998) which do not take into account a myriad of ways in which different cultures conceptualize ideals of “‘decency,’ ‘goodness,’ or ‘justice’” (p. 130). Falk (2000) suggests that while human rights principles may contain “core claims” (p. 62) relevant to all humanity, the process whereby these principles were developed was decidedly a reflection of the “Western experience” (p. 62). Clearly the Northern influence regarding the development of human rights doctrines and the privileging of individual versus group claims have a significant place in the on-going dialogue about the human rights system. While acknowledging the influence of the “Western world view” Ife (1999, p.

218) suggests that it is unnecessary to abandon the ideal of universal human rights principles but that it is necessary to continue a dialogue to promote a reconstruction of the Western construct of “humanism” which has historically driven the human rights system (p. 218).

Central to this idea of dialogue and the need for reconstruction is Falk’s (2000) proposal that the human rights movement needs to move into a “fourth stage” (p. 60). Building on Bobbio’s three stages of the evolution of human rights, from the Roman stoics (first stage), to the American and French Revolutions (second stage), to the movement from national to international human rights standards vis-à-vis the UN (third stage), the fourth stage is a process whereby there is a “strong participatory dimension to the way in which this internalization of international standards occurs” (p. 62). Using indigenous rights as an example of the historically non-participatory developments of human rights standards, Falk points out that in 1957 the International Labor Organization drafted a convention for the rights of indigenous peoples which was clearly assimilationist in its focus and did not take into account the actual concerns and needs of indigenous groups (p. 63). It is only now that the draft of the *Declaration of the Rights of Indigenous Peoples* has been adopted by the UN Human Rights Council after two decades of development (Amnesty International, 2007a) by the Working Group on Indigenous Populations (Falk, 2000). Unfortunately, a group of seven states is calling for redrafting of the document, a move that Amnesty International has suggested could drastically alter the core provisions and principles

and could significantly delay adoption of the document (2007a). Tellingly, the seven states include Canada, Australia, and New Zealand while the US is not represented given that they do not hold a seat on the UN Human Rights Council. Citing the alliances that some of these countries appear to have developed with relation to indigenous issues, one participant noted:

...an email I received, about New Zealand, Australia and the United States jointly agreeing to not sign on to the Rights of Indigenous People in the UN. I can't remember exactly how it was worded—it was like they were opposed to it—jointly opposed to it...And, I thought, oh well, you've got active opposition there and so, that's the other part of it. If the indigenous peoples of those three countries are looked upon by their governments in that way, how is anybody going to ever see what we're struggling with—particularly regarding violence against women (Interview 11)?

Historically there has been the tendency to define and describe human rights as either individual- or collective-based in the distinctions between first and second generation rights (political/civil and economic/social/cultural) which have been seen as individual rights and third generation rights which have been seen as collective rights and have tended to be somewhat vague and obscured (Reichert, 2003). Ife and Fiske (2006) suggest that this division is not particularly helpful and that all rights can be seen as having both individual and collective components, for example the individual right to healthcare and an indigenous community's right to healthcare (p. 299). To begin to envision human rights as constituting both individual and collective rights is another step in the development of a comprehensive human rights movement.

### *Grassroots Activism and the Transnational Movement*

While beyond the scope of this study, it is important to note additional complexities that are raised when discerning whether DV in the US can be effectively addressed with a HR framework; one such complexity is related to how the human rights movement is situated in the international arena and how this may influence the intersection between grassroots/localized movements and transnational movements. As noted at the start of the dissertation, the women's rights as human rights movement has its roots in the transnational women's movement and, clearly, human rights movements are closely linked to large international and regional bodies. A number of participants spoke to the idea of linking the US DV movement to a larger international movement, suggesting that historically there has been limited engagement internationally and, if there has been it has tended to be one way, from North to South.

If a HR framework could stimulate an expanded dialogue, and particularly a dialogue that is multifaceted—not a replication of paternalistic delivering of the “wisdom” of the US onto other locales—this cross-fertilization could perhaps serve to shift the mainstream DV movement in a direction that is more responsive to diverse needs and the concerns raised by women of color, immigrant communities, indigenous communities and LGBTQQI communities. Yet development of transnational networks are not without challenges and pitfalls as evidenced by experiences recounted by

Merry (2001); Hemment (2004); Sperling, Ferree, and Risman (2001); and Hirsch (2003) which were explored in chapter one (see also Naples & Desai, 2002). It is unclear whether a US human rights movement could address DV locally and also support engagement within the transnational HR and feminist movements without replicating some of the problems such as lack of reciprocity and reproducing hegemonic ways of thinking and behaving.

On the flip side, local, grassroots efforts are also not without their own set of challenges. Naples notes in her co-edited volume which examines both the contradictions and successes of transnational feminist organizing, that the contributors to the collection “recognize the limits of local struggles that fail to challenge the extralocal processes that shape them” (Naples, 2002b, p. 265). Important to note is the role of “localization” (p. 264) in which the local context can be “a site of politicization” (p. 265). It is at the local level perhaps that a human rights framework can be applied to the specific needs that are influenced by the social, economic, cultural, racial, ethnic, religious, and other factors and in the cross-fertilization between the local and the transnational social justice can be recognized. Yet even if the local and the transnational can co-exist and cross-fertilize, resolving how these movements can speak to the needs of their constituents and fund the work at the same time is critical.

### *Deromanticizing NGOs*

Another challenge in the grassroots/transnational movement dynamic is the development of non-governmental organizations (NGOS) and their role in promoting social justice both locally, regionally, and transnationally. In a compelling critique of the “non-profit industrial complex,” Incite (2007) members edited a volume of material, *The Revolution will not be Funded: Beyond the Non-Profit Industrial Complex* which elucidates the vast array of problems associated with the rise of NGOs. Some of the primary concerns are related to neo-liberal capitalistic dynamics that drive the State to use NGOs for its own purposes by monitoring and controlling the social justice movements for whom they are purported to be working. Oftentimes this control is a way to “manage and control dissent” (p. 3) and tends to push NGOs into professionalized, capitalistic endeavors that are merely pawns in a larger system rather than organizations that push a social change agenda. Much of the critique revolves around the diversion of public funds into private foundations and the accompanying requirements that these funders have for the activities of the NGOs (Incite, 2007). The experiences recounted in Hemment’s (2004) ethnographic study of the development of crisis centers in Russia were clearly driven by foundation expectations that appeared to drive the development in a way that was not in alignment with the needs of the constituents and was at the mercy of the whims of the funding organizations. So, while participants I interviewed pointed out that divesting the DV movement from State funding is a critical consideration, the complications

related to private funding and who “owns” the movement are additional considerations that need to be addressed.

### *Coalitions and Allies*

Probably one of the most compelling arguments that participants made in favor of a HR framework is the argument that using human rights as an “umbrella” or “foundation” would support building coalitions across identity groups and across social justice issues. It is the promise of coalition building that sways me in favor of human rights—with a large dose of vigilance regarding all of the possible pitfalls.

Speaking to the power of working in alliance with others, one participant noted:

...one of the things that I’m very clear on is that if only women of color are talking about the need to use human rights in the reproductive justice movement, then it will never work. Because very similarly, it was black people who were crying about the segregation for over 100 years, when it reached mainstream white America, that’s when changes happened. And so, we have to create that critical mass amongst everybody and human rights is even better because everybody has the same human right—they’re not special rights (Interview 18).

In this instance, this participant suggested that significant gains were made in the civil rights movement when a “critical mass” became engaged in the movement; a critical mass that included white allies. As Kraemer (2007) asks in her examination of the role that allies can play in social justice movements,

How does a privileged ally act accountably and responsibly to end systems of domination that privilege one group while oppressing another? How do we

subvert these dynamics? Can we use our privilege to pry loose the bars holding the cage of oppression together? (p. 30).

### *Social Work and Human Rights*

As mentioned in chapter one, the social work profession in the US has had limited engagement in the human rights arena in terms of use of human rights language, documents, and policies (Reichert, 2003; 2006), although there appears to be a subtle increase in the use of human rights language, specifically in the NASW Policy Statements for 2003-2006 (NASW, 2003). While not exhaustive, in a brief overview of policy statements that seemed to be the most likely to contain language related to human rights, I noted a few changes. Reichert (2006) indicated that in the 2003 policy statements NASW made mention of human rights in the international policy statement and in the women's issues statement. I also noted that in the 2003 section on "Immigrants and Refugees," NASW called upon the US to "end human rights violations worldwide" (p. 206). In the more recent policy statements there was also an additional mention that a review should be made of "policies such as interdiction at sea that violate international human rights law" (2006, p. 228).

Related to the section on "Women's Issues," there were subtle changes from the 2003 edition to the 2006 edition of policy statements. In 2003 there was a brief

“Human Rights” section in which NASW supported US ratification of CEDAW and supported:

- recognition that changing national and international economic and structural arrangements are resulting in the exploitation of women
- recognition that some religious traditions may victimize women  
(NASW, 2003, p. 372).

In the 2006-2009 policy statements the human rights section was eliminated in lieu of a section on “Global Women’s Issues” which reiterated support for US ratification of CEDAW and replaced the previous two statements with support of

- international programs that address women’s rights as human rights, including having women in each country involved in defining their needs, identifying their oppressions, and developing programs that meet their needs
- increased attention by social work education of problems facing women internationally, often due to the effects of globalization and colonization, as well as traditional patriarchal structures (NASW, 2006, p. 391).

The section specifically focused on human rights is the “International Policy on Human Rights,” which did not undergo any changes in the intervening years. Interestingly the statement acknowledges that while the International Federation of Social Workers, the International Association of Schools of Social Work, and the 1990

NASW International Policy on Human Rights all suggest that a global human rights perspective is of importance to the profession, “the fact is the profession does not fully use human rights as a criterion with which to evaluate social work policies, practice, research, and program priorities” (2006, p. 232). This statement also supports that social workers use human rights “as a foundation principle upon which all of social work theory and applied knowledge rests” (p. 233) in addition to supporting ratification of the ICECSR, CEDAW, and CRC. While the policy statement is specifically the “international policy,” it does appear relatively grounded in social work practice in the US and the integration of human rights as a framework in US social work.

Additional mention of human rights is made in the sections on “Commercial Sex Workers and Social Work Practice” in which the policy statement includes support for the *Beijing Platform for Action*, the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons*, CEDAW, and DEVAW (NASW, 2006, p. 54). Human rights are also mentioned in the section on “Peace and Social Justice” in reference to CEDAW the UDHR and related to issues of self-determination as found in UN human rights documents. The section on “Lesbian, Gay, and Bisexual Issues” also mentions freedom from discrimination based in the ICCPR. Notably missing was any mention of human rights in the policy statements on “Racism,” “Civil Liberties and Justice,” “Transgender and Gender Identity Issues,” “Sovereignty and the Health of Indigenous

Peoples,” “Family Violence,” “Economic Policy,” “Family Policy,” and “Gender, Ethnic, and Race-Based Workplace Discrimination.”

It is interesting to note that human rights show up in the section on women specifically stating “women’s rights as human rights” (NASW, 2006, p. 391) although no specific link is made to violence against women and also that brief mention is made in relation to immigrants which seems to be a common position in the US. Moving into somewhat less traveled terrain are the statements on sex workers, peace and justice, and LGB individuals which might suggest a broadening of the use of HR as a framework in US social work.

Reichert (2006) indicates that the Council on Social Work Education (CSWE) briefly mentions human rights in the 2003 *Handbook of Accreditation Standards and Procedures*. Additionally, for the upcoming 2007 CSWE Annual Program Meeting, Dr. Jim Ife will be presenting a special plenary session through the Hokenstad International Lectures entitled, “The new international agendas: What role for social work?” (CSWE, 2007, p. 9). As a well-known scholar who has written a number of articles and a book on human rights and social work, the addition of Dr. Ife as a keynote speaker suggests a possible burgeoning interest in human rights and social work in the US. In addition to Dr. Ife’s plenary, there is also a faculty development institute presentation at the annual meeting entitled, “Internationalizing your curriculum with social justice and human rights content” (CSWE, 2007, p. 19).

Integral to these developments is the importance of the continued and

increased engagement of social work in the human rights arena. There continues to be many unanswered questions regarding the viability of using HR in the US and applying HR to DV and other anti-violence work. Additional challenges include examining the ways in which social justice movements can engage locally and transnationally to address diverse needs and maintain a progressive agenda and how movements can work in coalition. Domestic violence is not the only social movement to become professionalized and dominated by State funding and priorities and it is important for social work as a medium for social change to ask critical questions both of social work itself and of the social movements it supports.

#### *Social Work Policy*

As examined above, social work in the US appears to be in the early stages of integrating human rights language and perspectives into formal policy statements for the profession. One of the concerns that rise to the surface regarding human rights and social work is the possibility that there will be a “human rights bandwagon” effect in which human rights language will begin cropping up in NASW policy statements and CSWE curricula guidelines without a critical evaluation of the human rights ideology and what it may or may not offer. Given the push to “internationalize” (Cartaga & Sanchez, 2002) and “globalize” (Rotabi et al., 2007) the social work curricula and what seems to be an intuitive connection between social work and human rights (Ife, 2001; Reichert 2003) I believe we need to avoid a knee-jerk reaction and critically evaluate the manner in which we incorporate a rights-based approach into social work.

Additionally the potential for human rights in the US to be co-opted into a strengthened law and order response to social problems needs to be evaluated on an on-going basis.

It is also important to assess how social work policy is influenced by privilege and racism, given the recurrence of these themes in this study. One of the most compelling statements that a participant made related to policy was the observation regarding who does the policy making and agenda setting in the mainstream DV movement. It is crucial that social workers continue to critically examine the manner in which they perpetuate white privilege and racism in social movements. While social work is committed to diversity, it is important to recognize that social workers may also operate from a position of privilege. When social workers presume that the images of diversity on their domestic violence poster or the women of color that they have “tell their story” reflects diversity while the policy makers continue to be white and when women of color indicate that they are experiencing invisibility in a field that they have worked in for 30 years, there is a need to re-evaluate this commitment.

#### *Social Work Practice*

The propositions that a HR framework could support cross-issue collaboration and move DV away from a single-issue focus were two of the strongest benefits that were identified by participants. These potential shifts could influence how social workers engage in practice with DV survivors on both the community and individual levels. Clearly on the community level, increased collaboration with organizations

such as employment services, housing assistance, consumer credit services, medical services, schools, community centers, religious communities, and mental health services would move beyond the criminal and civil justice systems and could provide more space for social workers to engage in work with survivors “above the table” on issues related to housing, finances, discrimination, medical care, and education to name a few. As one participant noted:

...you don't have to think in terms of who are your everyday usual partners. We want you to think of unnatural partners in this movement. And natural in the sense that naturally you would think of the police and prosecutors, even child welfare, but we want you to think about the Better Business Bureau down the street, we want you to think about the temporary staffing agency down the street that might be able to help your survivors get work (Interview 10).

While these collaborations and partnerships are not necessarily “new” in and of themselves, the contention of some participants was that advocates do not have the support, time, or resources to engage in this form of advocacy for their clients and that it is necessary for a shift to occur so that advocates are no longer as constrained in their work. This could serve to provide an opening for stronger advocacy by engaging more organizations which could influence how social service systems frame their work with DV survivors and how funding is allocated.

In terms of individual interventions, an integration of human rights into the context of DV work could provide a change in the intervention process so that individuals who are assessed with DV as a primary issue of concern are not necessarily pigeon-holed into the criminal justice system for services. During the initial assessment and referral process, social workers may be more likely to assist

clients in accessing support for job training, educational support for themselves and their children, medical care—both for immediate needs and preventative services, and information on community classes and organizations. This process may also serve to be less threatening for survivors if there is a shift from a standardized response and a greater focus on the many avenues that might be helpful for any one survivor of DV.

Within an environment that moves beyond a justice framework for responding to domestic violence, social workers may no longer feel constrained to “make” their clients fit into a certain mold in which the criminal or civil justice system expects a certain set of responses and actions from survivors of domestic violence. While purporting to assist survivors of domestic violence, these systems routinely create an environment that is punitive and which extends beyond the justice system to the larger social services environment. Advocates have reported feeling that they are often expected to be simply another monitor in the lives of survivors of domestic violence, either vis-à-vis the criminal justice system or the child welfare system which then creates an environment that is more punitive than supportive (Haaken, Rempe, & Morgaine, 2006; Risely-Curtiss & Heffernan, 2003). The freedom to attend to the diverse needs of survivors in a more comprehensive and less restrictive fashion may also serve to reduce burnout among DV advocates and other social work professionals who work within the field of DV. This decrease in burnout would also provide greater continuity of services for survivors who can often be faced with a revolving door of treatment providers.

### *Challenges and Future Research*

One of the challenges in doing this project was the exclusion of a number of individuals and/or organizations that I had hoped to speak with. As indicated previously, I did not speak with anyone specifically affiliated with DV in the LGBTQQI communities. I also attempted to speak with a representative from an interfaith group working on DV and while someone agreed to speak with me, after a number of months of attempts to set up an interview time and no subsequent contact, I discontinued my attempts. Additionally, the majority (76%) of my interview with participants occurred over the phone rather than in person which may have limited the information the participants were willing to share or the engagement they felt with the project.

In retrospect, I also would have developed a question which specifically addressed race/ethnicity and power within the leadership of both the DV and the HR movements to elicit a greater number of responses related to this issue. As noted in previous chapters, this was taken up by a number of participants although I did not make a point of bringing this up directly.

A few participants suggested that they were witnessing an increase in local engagement between DV and HR and indicated that they believed that an inquiry that

examined local organizations might provide a more comprehensive picture of the intersection between DV and HR in the US. One participant from the HR field noted:

... it would seem to me that in trying to understand just what may be happening with people utilizing the human rights framework some of the most exciting things that are developing are developing on the grassroots level. Even the traditional human rights organizations are kind of clueless about what's been developing on the local levels. So, I would think if someone was trying to have a similar study where they were trying to get a handle on some issue developing here in the human rights field and only talked with national organizations, I think the picture that would emerge would be a lot different than what's really developing in the field (Interview 23).

While I specifically chose to create a boundary around my study by starting with national and a few regional organizations, the picture that these individuals paint is only a piece of the larger whole. My choice to start with national organizations was to ascertain if larger organizations who may either engage in lobbying and policy development or larger-scale educational efforts may be influenced by the transnational movement to an extent that smaller, local organizations may not given time, resources, and geographical location. These national organizations were also unlikely to engage in direct interventions with DV survivors and so were less likely to speak about this aspect of the DV field. I did attempt over a period of 3-4 months to connect with one local organization that was developing a HR framework related to violence against women yet did not receive a response. Although I cannot be certain about the reasons for any of the challenges in connecting with some potential participants, I would presume that for many of them, time was a significant factor, particularly given that

four individuals agreed to participate yet did not follow through after my attempts to schedule.

To begin to address some of these challenges I am currently developing a study of state-wide DV coalitions. I plan to create a qualitative survey that will utilize many of the same questions that I used in my interviews with national DV groups which I will send to every state coalition in hopes of gathering information on a state-wide level and which may also lead to identification of state and/or local groups that may be utilizing a HR framework in their work.

Additional research projects could include examining how various groups utilize and conceptualize human rights frameworks and ideologies—particularly groups who are already using a human rights framework. Related to resonance and exceptionalism, it would be important to assess how the public and constituents of groups using human rights respond to the framework. In terms of engagement with the larger transnational women's and/or social justice movements, collaborative research needs to be undertaken that will explore how the framing of DV, VAW, and other social issues is developing throughout the world. Is there continued attention being placed on DV as a human rights violation globally? Are there certain contexts in which it appears to have more salience than others? What does a HR framing look like “on the ground” in other countries?

In addition to explorations regarding DV and HR, it is important to continue to develop research projects that critically examine issues related to privilege within

social movements. Who are the gatekeepers that determine how a social problem is being framed—for example—what is driving the decision of some groups to contextualize DV more conservatively and to move away from “liberal” ideology and how will that influence DV policy and practice in the US?

While I remain hopefully ambivalent about the viability of a HR framework for DV and antiviolence work in the US, as one participant said,

So the jury’s out—which became my favorite phrase to hear about human rights, it’s what many people say—the jury’s out on how useful human rights will be to a number of different issues and the jury’s certainly out on how useful it will be to people doing work on domestic violence (Interview 12).

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## Appendix A

### Introductory Recruitment Letter

Dear NAME OF PARTICIPANT,

I am a doctoral student at Portland State University Graduate School of Social Work and Social Research. I am currently engaging in my dissertation research project, “Domestic Violence and Human Rights—Bringing the International Movement Home,” which is a qualitative study exploring how the human rights framing of violence against women has influenced the DV field in the United States. I am contacting leaders from DV coalitions and organizations in the US, the National Association of Social Workers (NASW), and human rights organizations. (I was given your name by \_\_\_\_\_ ) or (I have identified a number of key organizations that work with diverse populations and am contacting the Executive Director of each of these organizations to request an interview). Given your key position within the field, I would like to extend an invitation to participate in the study.

This study will consist of individual interviews with individuals involved in domestic violence movement in the United States at national, regional and local levels through domestic violence coalitions and other domestic violence organizations in addition to individuals involved with NASW and human rights organizations. Additional analysis of print and visual media from participating organizations, which

could include informational brochures, policy statements, policy and procedure manuals, and advertising campaigns, will also take place.

I would like to invite you to participate in this study by either providing your time for an interview and/or providing informational literature or referrals to additional individuals within your agency or other agencies involved the U.S. domestic violence field, NASW, or human rights organizations who may be either directly using a human rights framework in their work or actively resisting the use of this framework whom I could also contact regarding the study. The initial interview will take from 30-60 minutes, with the possibility of one or more follow-up interviews to gather additional information.

Enclosed are two copies of the consent form that outlines the study and the measures that will be taken to provide confidentiality if you choose to participate in the study. I have provided a stamped, self-addressed envelope for you to mail back one signed copy of the consent form if you are willing to participate. I have also enclosed an additional envelope for agency informational documents if you are willing to send them. I will reimburse the postage costs of any materials that are sent. Additionally, if you have any materials in PDF format I could receive them via email. I would like to call to answer any questions and to see if you are interested in participating in an interview, providing organizational literature and/or in providing additional referrals of individuals you believe may have useful information and may be willing to participate. If you are not interested in participating and would prefer I

did not call, please feel free to email me and let me know this. My email address is: kmorgaine@pdx.edu and my phone number is 503-780-2209. Also, feel free to call or email if you are interested and/or have any questions prior to receiving my follow-up phone call.

Thank you for your consideration,

Karen Morgaine, MA  
Principle Investigator  
Portland State University  
Graduate School of Social Work and Social Research  
University Center Building, Suite 400  
527 SW Hall,  
Portland, OR 97201

## Appendix B

### Individual Interview Letter for Consent

Dear NAME OF PARTICIPANT,

Thank you for agreeing to take part in this research project on domestic violence and human rights conducted by Karen Morgaine at Portland State University.

The purpose of this study is to explore if and how the international movement to align domestic violence within a human rights framework has been translated into local policies and practices. The study will explore the impact of the human rights framing on the policies and practices of some of the national, regional, and local U.S. domestic violence groups and coalitions. It will also include an exploration into whether the National Association of Social Workers has used this framework in policy statements and whether U.S. human rights organizations are applying the human rights framework to domestic violence within the US.

This study involves discussing your experience regarding the frameworks used to define and intervene into DV in the US in an in-person or telephone interview and possibly a follow-up individual interview. The interview will begin with a few standard demographic questions. The interview topics will focus on how you and your agency frame the problem of domestic violence in the US and the impact these frameworks have on policies and practices. The interview will be semi-structured and open-ended as I am most interested in understanding the individual experiences of agency personnel regarding the framing of DV as a social problem. The initial interview will take about 30-60 minutes to complete and will be audio taped. After the initial interview, if additional information and/or clarification is needed and you agree to one or more follow up calls, you will be called by the principle investigator to participate in a follow-up phone interview(s) which should last between 15 and 45 minutes.

You will be mailed a written transcript of the interview for corrections or additions to your comments shortly after the final interview. Quotes from the interview may be used in future publications, for example, in social work journals, in papers for social work or domestic violence conferences, and in reports in newsletters focusing on domestic violence. Some individuals prefer to be publicly recognized and may choose to have their name published with their words. You will be asked whether or not you would like to have your name published with your quote when you review the transcript. However, there is some risk that others will be able to identify you through a quote that has no name attached. In addition, your participation in this study is completely voluntary, and you may withdraw from it at any time with no penalty. A code will be created for your name so that your name does not appear on the transcript. This code key will be kept in a separate locked file cabinet from the transcript materials and only the PI and the dissertation advisor will have access to this code key. All additional records and transcripts will be kept confidential and in a locked file.

This study is important because it may facilitate continued dialogue within the U.S. domestic violence field, leading to a better understanding of if and how the visible discourse of “women’s rights as human rights” has influenced framing and intervention into domestic violence, what the challenges have been and what some of the arguments against using such a framework may be.

Thank you again for taking part in the interview. If you have any concerns or problems about your participation in this study, please contact Karen Morgaine, (503) 780-2209 at Portland State University, or the Human Subjects Review Committee, Office of Research and Sponsored Projects, 111 Cramer Hall, Portland State University, (503) 725-4288.

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Name of Participant

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Date

I understand that the interview will be audio taped and agree to be audio taped as part of my participation in the interview.

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Name of Participant

---

Date

## Appendix C

### Interview Topics DV Organizations

1. Describe the frameworks that your agency uses to define and intervene in DV.
2. In the past 10-15 years there has been a number of U.N. conferences that have produced declarations/platforms based on women's human rights and have linked VAW to human rights violations. Describe if and how your agency uses the human rights framework in its description of domestic violence in (a) agency literature, (b) agency communications, (c) agency policies, (d) agency meetings (internal and community meetings), (e) ad campaigns, (f) interactions/interventions with clients.
3. Describe the practical uses of this framework.
4. Describe how this framework has been beneficial in domestic violence advocacy.
5. Describe any challenges you have faced in implementing this framework.
6. Describe any differences and similarities between implementing a human rights framework and other frameworks such as criminal justice or public health frameworks in domestic violence.
7. Has there been active resistance to applying the human rights framework to DV in the US? What are the reasons for this resistance? What is being done to resist this framework?
8. How has this framework been received within your agency, from clients and from the larger community?

## Appendix D

### Interview Topics Human Rights Organizations

1. Could you describe the human rights discourse and your work within the U.S.?
2. How do you respond to the critique of HR as a Western/Northern imposition onto other cultures in the 'universality' versus 'cultural relativism' debate?
3. How do you respond to the critique that HR lacks a 'gender analyses'?
4. How does your agency address domestic violence as a human rights issue in the U.S.?
5. How do you see the HR framework being utilized outside your agency (but within the U.S.) to address domestic violence?
6. Describe how this framework has been and could be beneficial in domestic violence advocacy.
7. Describe any challenges you have faced in implementing this framework or might face if you were to reframe DV as a human rights violation.
8. Have you encountered any active resistance to framing domestic violence as a HR issue and what is the basis for this resistance?
9. How has the HR framework been received by constituents including other NGOs, policy makers, criminal justice/legal system, lay people?
10. How is the U.S. response to HR (particularly regarding DV) different from other responses globally?
11. Describe any differences and similarities between implementing a human rights framework and other frameworks such as criminal justice or public health frameworks in domestic violence.

## Appendix E

### Demographic Interview Questions

Note: Participants were informed that they could refrain from answering any question that they preferred not to answer

1. Please indicate the gender you identify with.
2. Please indicate your age.
3. Please indicate your sexual preference.
4. How many years have you been employed in the domestic violence/social work or human rights field?
5. Please indicate the race/ethnicity you identify with.
6. Please indicate level of education completed.
7. Please indicate field of education.
8. Please indicate your title in your organization.
9. Please indicate your country of origin.
10. Have you traveled outside the US in the context of your work in the DV (SW, HR) field?