

LOBBYING FOR MANDATORY-ARREST POLICIES: RACE, CLASS, AND THE POLITICS OF THE BATTERED WOMEN'S MOVEMENT

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During my three years as a volunteer with a community-based organization for battered women, we tried, through education and grass-roots organizing, to convince police departments to implement policies that would lead to more arrests of men¹ who perpetrate domestic violence. We believed that the problem of violence between intimate partners persisted in part because the police viewed it as a personal problem inappropriate for criminal sanction.

While we assumed that a battered woman would feel relief if not elation when her batterer was taken to jail, none of us knew whether an arrest would actually make a batterer stop being violent. Our support for a tougher arrest policy, however, was not based only on the deterrence effect it might have on an individual batterer. Criminalization, we trusted, expressed societal condemnation of domestic violence and thus could both force would-be batterers to reconsider the appropriateness of using force and intimidation and empower women in abusive relationships.

Contrary to our beliefs, recent research suggests that arrest actually may be *ineffective* in deterring domestic violence among low-income men, and that women of color may have reasons not shared by white women for being dubious about tougher arrest policies. Yet many white, middle-class feminists who consider themselves advocates for battered women continue to support such policies, including mandatory-arrest laws. These laws typically require police officers to arrest a man who violates an order of protection or whom police have probable cause to believe has committed a criminal offense against an intimate partner.

1. Women are approximately six times more likely than men to experience violence committed by an intimate. BUREAU OF JUSTICE STATISTICS, *VIOLENCE AGAINST WOMEN: ESTIMATES FROM THE REDESIGNED SURVEY 3* (1995). Female homicide victims are more than twice as likely to have been killed by husbands or boyfriends than male victims are to have been killed by wives or girlfriends. BUREAU OF JUSTICE STATISTICS, *FEMALE VICTIMS OF VIOLENT CRIME 2* (1996).

While domestic violence occurs with some regularity between same-sex partners, *see generally* DAVID ISLAND AND PATRICK LETELLIER, *MEN WHO BEAT THE MEN WHO LOVE THEM: BATTERED GAY MEN AND DOMESTIC VIOLENCE* (1991) and Claire M. Renzetti, *VIOLENT BETRAYAL: PARTNER ABUSE IN LESBIAN RELATIONSHIPS* (1992), the issue of sexual orientation has been largely absent from mainstream debates on mandatory-arrest policies. The reasons for this absence are different enough from the reasons for the relative silence on race and class as to be beyond the scope of this article. I therefore adopt the convention of referring to batterers as men and to their victims as women.

In congressional hearings on the Violence Against Women Act, white, middle-class advocates for battered women lobbied for a federal provision on mandatory-arrest laws. Their lobbying illustrates a central tension that this article attempts to explore: Although typically representing themselves as advocates for the needs and interests of *all* battered women, mandatory-arrest advocates are from a limited demographic base, ascribe to a narrow theoretical framework, and have an advocacy agenda that reflects this homogeneity.

In Part One of this article, I briefly discuss the forces that have motivated mandatory-arrest advocates — the enormity of the problem of domestic violence and the historic reluctance of police officers to intervene in domestic violence cases. I trace the political development of the battered women's movement, which informs today's advocates, contrasting its explicitly feminist theory of the causes of and remedies for domestic violence with that of social scientists.

In Part Two, I explore the ways in which this particular theory has spawned a rhetoric which essentializes battered women. I detail the aims of advocates in supporting policies mandating arrests of batterers and suggest that these aims may not reflect the experiences of low-income women and women of color. I will explain how, through its advocacy, advocates and the battered women's movement more generally emphasize the universality of domestic violence and minimize the significance of race and class differences, to the detriment of many battered women.

In Part Three, I critically examine the benefits of advancing a race- and class-blind theory of the causes of and remedies for battering and then identify the costs for the battered women's movement of its current theory and practices. This article concludes with practical suggestions toward a more inclusive battered women's movement.

I.

MOTIVATIONS: HOW THE "RULE OF THUMB" INSPIRED A MOVEMENT

Domestic violence has reached epidemic levels. In the United States, more than one million women annually seek medical assistance for injuries caused by battering.² Crime reports indicate that approximately 1400 women are killed each year in domestic violence incidents.³ In addition, countless more millions of women are abused in less visible ways. Their partners may threaten them with violence or humiliate them; they may monopolize their financial assets or confine them to the home. These types of abuse do not figure into official definitions of domestic violence. Clearly,

2. *Ten Facts about Violence against Women: Hearings Before the Senate Comm. on the Judiciary*, 101st Cong., 2d Sess. 79 (1990).

3. BUREAU OF JUSTICE STATISTICS, *VIOLENCE AGAINST WOMEN: ESTIMATES FROM THE REDESIGNED SURVEY 4* (1995).

the problem of women being abused by their partners is a serious one, for the victim herself and for society as a whole.

The criminal law and those who enforce it historically have favored batterers and have been indifferent to battered women. The "rule of thumb" was an early common-law doctrine that allowed a man to whip his wife as long as he used a switch no bigger than his thumb.⁴ Before 1962, a woman in New York who suffered physical abuse at the hands of her husband, a blood relative, or the father of her child found the doors of the criminal courts closed to her; she had to pursue any claim against her batterer in Family Court.⁵ Prior to the 1980s, the preferred law enforcement technique for responding to calls from battered women was mediation. Police officers were trained in conflict resolution; they typically attempted to counsel the couple or temporarily to calm the man by walking around the block with him.⁶ Supervisors officially discouraged officers responding to calls from arresting batterers.⁷ Arrests in domestic violence situations were extremely rare, occurring with a frequency estimated at between only 3% and 13.9% of all incidents to which officers responded.⁸

In response to the problems of domestic violence and official indifference to the plight of its victims, the battered women's movement was born.⁹ Growing out of the feminist movement of the early 1970s,¹⁰ the battered women's movement extended the analysis of male domination in

4. George Levinger, *Patterns of Violence Between Spouses and Kin*, in *Violence in the Family* 85, 89 (Susanne K. Steinmetz & Murray A. Straus eds., 1974).

5. JOYCE KLEMPERER, *COALITION OF BATTERED WOMEN'S ADVOCATES, TWICE ABUSED: BATTERED WOMEN AND THE CRIMINAL JUSTICE SYSTEM IN NEW YORK CITY* 4 (1993).

6. MURRAY A. STRAUS, RICHARD J. GELLES AND SUZANNE K. STEINMETZ, *BEHIND CLOSED DOORS: VIOLENCE IN THE AMERICAN FAMILY* 233 (1980).

7. Through the early seventies, for example, the Michigan Police Training Academy taught its recruits not to interfere on behalf of battered women. Its procedures were as follows:

- a. Avoid arrest if possible. Appeal to their vanity.
- b. Explain the procedure of obtaining a warrant.
 1. Complainant must sign complaint.
 2. Must appear in court.
 3. Consider loss of time.
 4. Cost of court.
- c. State that your only interest is to prevent a breach of the peace.
- d. Explain that attitudes usually change by court time.
- e. Recommend a postponement.
 1. Court not in session.
 2. No judge available.
- f. *Don't* be too harsh or critical.

SUSAN SCHECHTER, *WOMEN AND MALE VIOLENCE: THE VISIONS AND STRUGGLES OF THE BATTERED WOMEN'S MOVEMENT* 157 (1982) (emphasis in original) (citation omitted); see also DEL MARTIN, *BATTERED WIVES* 93-94 (1981) (noting Oakland Police Department's description of police role in domestic violence situations as "peacemaker").

8. *Introduction*, in *DOMESTIC VIOLENCE*, at xvi (Eve S. Buzawa & Carl G. Buzawa eds., 1992) (citing several studies of arrest rates for domestic violence incidents).

9. Schechter, *supra* note 7 at 31-33.

the public realm to the private sphere, and its members rapidly began organizing services to assist battered women. One battered women's shelter that opened in 1974 had originated three years earlier as a feminist consciousness-raising group.¹¹ Like the members of the larger feminist movement, today's organized, visible battered women's advocates are predominantly white and middle-class.¹²

Since the 1970s, members of the battered women's movement have founded and administered shelters for women fleeing violence; developed educational programs on domestic violence for schools; designed and implemented abuse-prevention programs in workplaces; organized demonstrations and marches; developed civil legal remedies for battered women; assisted and legally represented battered women in civil and criminal courts; staffed hotlines for women in crisis; and advocated for harsher criminal penalties for batterers. Their accomplishments have helped place the problem of domestic violence at the forefront of national concern.

Prior to the emergence of the battered women's movement, only physicians, psychologists, and social scientists studied domestic violence and attempted to treat its victims. These researchers typically focused on the interpersonal dynamics of families where violence occurred;¹³ whether batterers and battered women have distinctive personality traits;¹⁴ whether rates of family violence are higher in particular countries¹⁵ and among particular ethnic groups,¹⁶ racial groups,¹⁷ and classes.¹⁸

10. ELIZABETH PLECK, *DOMESTIC TYRANNY: THE MAKING OF SOCIAL POLICY AGAINST FAMILY VIOLENCE FROM COLONIAL TIMES TO THE PRESENT 183-85* (1987) (arguing that radical feminism was responsible for the rediscovery of domestic violence).

11. Schechter, *supra* note 7, at 62.

12. *Id.* at 272-75.

13. See, e.g., Straus, Gelles, and Steinmetz, *supra* note 6, at 164-65 (finding that a couple with a high level of conflict that uses reasoning and negotiation to settle its conflicts is more likely to engage in physical violence than a couple that suppresses its conflicts).

14. See, e.g., John E. Snell, Richard J. Rosenwald, and Ames Robey, *The Wifebeater's Wife: A Study of Family Interaction*, 2 *ARCHIVES GEN. PSYCHIATRY* 109, 111 (1964) (asserting that women who are physically abused tend to be "aggressive, efficient, masculine and sexually frigid" and that their husbands are "shy, sexually ineffectual, reasonably hard working 'mother's boys'").

15. See, e.g., Peter Loizos, *Violence and the Family: Some Mediterranean Examples*, in *VIOLENCE AND THE FAMILY* 183, 192-93 (J.P. Martin ed., 1978) (noting higher rates of familial violence in rural Mediterranean groups).

16. See, e.g., Joseph C. Carroll, *A Cultural-Consistency Theory of Family Violence in Mexican-American and Jewish-Ethnic Groups*, in *THE SOCIAL CAUSES OF HUSBAND-WIFE VIOLENCE* 68, 80 (Murray A. Straus & Gerald T. Hotaling eds., 1980) (noting higher levels of violence in Mexican-American than in Jewish-American families).

17. See, e.g., Noel A. Cazenave & Murray A. Straus, *Race, Class, and Network Embeddedness and Family Violence: A Search for Potent Support Systems*, 10 *J. COMP. FAM. STUD.* 281, 295 (1979) (suggesting that spousal violence in Black families is high).

18. *Id.* at 282 (citing a study which found that the lower economic strata appear disproportionately vulnerable to family violence).

These studies sometimes yielded contradictory results,¹⁹ undoubtedly because of the tremendous difficulties in studying the rates of domestic violence. One difficulty faced by researchers on domestic violence is that, while they may make use of police, shelter, social services, and hospital records of domestic violence incidents, such records indicate only a fraction of the violence that actually occurs.²⁰

To compensate for the underreporting of domestic violence, researchers must rely on surveys of victims who have not reported violence to the authorities. However, because considerable stigma is still attached to the issue of battering, under-reporting must be expected here as well. The battered women's movement therefore typically has viewed social science and medical studies purporting to characterize the number of incidences of violence in particular groups as underrepresentative.

Along with this methodological criticism of professional researchers of domestic violence, the movement has long been critical of their ideological perspectives. Feminist theory locates domestic violence in the context of patriarchy, and, therefore, the battered women's movement has defined itself in opposition to medical, psychological, and social science research on violence in the home that does not foreground gender inequality.²¹ For the movement, societal inequality between men and women is the precondition for domestic violence.²² Traditional social arrangements in which the wife is subservient to the husband provide the ideal setting in which individual men may exploit their power relative to women. Men have enjoyed the shield of "private family matters" to protect themselves against legal intervention. One feminist psychologist powerfully describes the abuse of women, particularly wives, as a "predictable and common dimension of normal family life as it is currently structured in our society."²³

Many battered women's advocates have faulted psychological and sociological research for ignoring the fact that "it is women as wives who disproportionately are the targets of physical abuse and coercion."²⁴ One activist believes the task of research on battering should be to design a theory of "why men as a group direct their violence to women," arguing:

19. See MARY P. KOSS, LISA A. GOODMAN, ANGELA BROWNE, LOUISE F. FITZGERALD, GWENDOLYN PURYEAR KEITA, AND NANCY FELIPE RUSSO, NO SAFE HAVEN: MALE VIOLENCE AGAINST WOMEN AT HOME, AT WORK AND IN THE COMMUNITY 51-54 (1994) (noting flaws in studies on domestic violence and race).

20. Letita J. Allan, *Child Abuse: A Critical Review of the Research and the Theory*, in VIOLENCE AND THE FAMILY 43, 59-62 (J.P. Martin ed., 1978).

21. See Elizabeth Schneider, *Particularity and Generality: Challenges of Feminist Theory and Practice in Work on Woman-Abuse*, 67 N.Y.U. L. REV. 520, 527 (1992) (describing feminist research on domestic violence as based on a theoretical framework that focuses on gender subordination).

22. Michele Bograd, *Feminist Perspectives on Wife Abuse: An Introduction*, in FEMINIST PERSPECTIVES ON WIFE ABUSE 11, 14 (Kersti Yllo & Michele Bograd eds., 1988).

23. *Id.*

24. *Id.* at 19.

Examining why men are violent does not explain why men act violently toward a specific target, women, or within a specific context, their home, nor can it tell us why some men are violent solely to their wives. Only by studying social and historical relationships within the family can we reveal the meaning and purpose behind battering.²⁵

In short, the battered women's movement believes that male-dominated family structures give all men permission to be abusive to their wives and partners. It follows for them that issues of class, race, country of origin, ethnicity, and individualized personality traits are mere diversions raised — mostly by male researchers — to diminish the significance of this core truth.

II.

ESSENTIALIZING THE BATTERED WOMAN

*The problem of domestic violence cuts across all social lines . . . domestic violence is prevalent among upper middle-class families.*²⁶ Natalie Loder Clark, writing in a law review article.

*Battered women come from all types of economic, cultural, religious, and racial backgrounds . . . They are women like you. Like me. Like those whom you know and love.*²⁷

Lenore Walker, nationally recognized expert on "battered women's syndrome."

*[C]ontrary to common misperceptions, domestic violence is not confined to any one socioeconomic, ethnic, religious, racial or age group.*²⁸

Susan Kelly-Dreiss, Executive Director of the Pennsylvania Coalition Against Domestic Violence, testifying before Congress.

*An estimated 3-million women are currently victims of domestic violence. [And] they [are not] all lower-middle class trash like the Bobbitts.*²⁹

Sheryl McCarthy, self-identified battered woman and columnist, reporting on the trial of Lorena Bobbitt.

*It's important that abuse not be seen as a blue-collar issue.*³⁰

25. Schechter, *supra* note 7, at 210.

26. Natalie Loder Clark, *Crime Begins at Home: Let's Stop Punishing Victims and Perpetuating Violence*, 28 WM. & MARY L. REV. 263, 282 n.74 (1987).

27. LENORE E. WALKER, *TERRIFYING LOVE: WHY BATTERED WOMEN KILL AND HOW SOCIETY RESPONDS* 101-02 (1989).

28. *Women and Violence: Hearings Before the Senate Comm. on the Judiciary*, 101st Cong., 2d Sess. 139 (1990) (statement of Susan Kelly-Dreiss).

29. Sheryl McCarthy, *Look Around: Lorena's Life of Abuse Far from a Rare Occurrence*, *NEWSDAY*, Jan. 24, 1994, at 5.

30. Cynthia Sanz, *Shelter in the Storm: Denise Brown Backs a University's Refuge for Battered Women*, *TIME*, Oct. 23, 1995, at 63.

Joanne McPherson, during a tour of a battered women's shelter she founded at Michigan State University.

In their written and oral testimonials such as those above, battered women's advocates typically argue that domestic violence does not occur primarily in one social group. While often subtly emphasizing the victimization of middle- and upper-class women, advocates describe domestic violence as a universal experience and minimize the significance of racial, class, and other differences among battered women. While their essentialist³¹ rhetoric seems to have been effective in forcing society to recognize the widespread nature of the problem,³² advocates have simultaneously ignored — to the detriment of many battered women — the salient difference that race, class and other differences make in determining appropriate remedies for domestic violence.

The remedies for domestic violence typically supported by advocates are consistent with the movement's theory that patriarchy is at the root of domestic violence. The movement has long objected to counseling for couples in which men are battering women, because counseling often does not adequately hold accountable the man and the male privilege he exercises.³³ On the other hand, the movement supports shelters, because they accommodate a woman's need to escape from an abusive mate and to learn to live independently.³⁴ One remedy favored by the movement is harsher criminal penalties for batterers. As the following account will show, its advocacy in this area has highlighted the problems that result from minimizing race and class differences among battered women.

A. *Evolution of the Movement's Support for Mandatory Arrest*

Frustrated by the numerous accounts of police who ignored assaults on women by their partners and refused to arrest the perpetrators,³⁵ beginning in the late '70s, feminist attorneys around the country brought successful

31. I follow Angela P. Harris's definition of essentialism as "the notion that a unitary, 'essential' women's experience can be isolated and described independently of race, class, sexual orientation, and other realities of experience." Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 585 (1990).

32. See PLECK, *supra* note 10, at 199 (outlining the shift in public consciousness on domestic violence).

33. See, e.g., NATIONAL CENTER ON WOMEN & FAMILY LAW, INC., COUPLES COUNSELING AND COUPLES THERAPY ENDANGER BATTERED WOMEN 11 (1993) (criticizing counseling as fostering an attitude in men that their women partners bear equal responsibility in ending the violence in a relationship).

34. DOBASH & DOBASH, *infra* note 45, at 60 (describing shelters as generating an understanding in women of their need for autonomy by illustrating their dependence upon others).

35. PLECK, *supra* note 10 at 186 (recounting the stories of a legal services attorney who was continually frustrated in her attempts to get effective police and court response for her battered women clients); see also Joan Zorza, *The Criminal Law of Misdemeanor Domestic Violence*, 83 J. CRIM. L. & CRIMINOLOGY 46, 57-60 (1992).

class-action suits against police departments for failure to respond appropriately to calls from battered women.³⁶

Even with a lawsuit-induced commitment to intervene when they could, however, police were still hamstrung in that the law in most jurisdictions prohibited officers from making warrantless arrests for misdemeanor assaults unless they witnessed the assaults.³⁷ This "in-presence" restriction prevented police from making arrests in the large number of domestic violence situations that occurred behind closed doors. In the late '70s, however, legislation was passed in several states which created a specific exception to the in-presence requirement for domestic violence misdemeanors,³⁸ making it easier for officers to arrest batterers.

Presumably because of the radical nature of this statutory change, the police still proved reluctant to make arrests in situations where they formerly had merely counseled,³⁹ prompting the National Institute of Justice in 1984 to fund a controlled experiment designed to test the deterrence effect of arrest in domestic violence cases.⁴⁰

This experiment seemed to confirm what advocates had argued: that treating violence against women as a crime would help to stop it. It revealed that a batterer who was arrested was less likely to commit a crime of violence against the same woman than a batterer whom the police either

36. In 1985, a Connecticut federal court jury awarded \$2.3 million to Tracy Thurman in her suit against the City of Torrington and its police officers for negligence in failing to protect her; she also prevailed on a claim that the department's policy of treating women battered by men with whom they are involved differently from stranger assault violated the Equal Protection Clause of the Fourteenth Amendment. *Thurman v. Torrington*, 595 F. Supp. 1521 (D. Conn. 1984). Successful suits against police departments have also been brought as tort claims. See, e.g., *Nearing v. Weaver*, 670 P.2d 137 (Or. 1983); *Sorichetti v. City of New York*, 482 N.E.2d 70 (N.Y. 1985). In *Bruno v. Codd*, 396 N.Y.S.2d 974 (N.Y. Sup. Ct. 1977), *rev'd*, 64 A.D.2d 582 (N.Y. App. Div. 1978), *aff'd*, 393 N.E.2d 976 (N.Y. 1979), a suit brought by twelve battered women in New York City resulted in an out-of-court settlement in which the New York City Police Department agreed to intervene more effectively in domestic violence situations.

37. See 3 WAYNE R. LAFAVE, *SEARCH AND SEIZURE: A TREATISE ON THE FOURTH AMENDMENT* 5.1(b) (citing the rule followed in most jurisdictions that an arrest without warrant is proper for a misdemeanor that occurs in the officer's presence).

38. Lawrence Sherman, *The Influence of Criminology on Criminal Law: Evaluating Arrests for Misdemeanor Domestic Violence*, 83 J. CRIM. L. & CRIMINOLOGY 1, 15 (1992).

39. *Id.* at 15.

40. The experiment tested three responses to calls of misdemeanor domestic assaults: arrest, with at least one night in jail; sending the suspect away for eight hours, or arresting him if he refused; and mediation. The criterion for success of the three responses was the seriousness and frequency of future domestic violence incidents in the next six months. The experiment involved only misdemeanor domestic assaults in which both parties were present when the police arrived. The police need not have witnessed the assault; they need only have had probable cause to believe that an assault had occurred. Felony cases of severe injury were excluded, as were cases where the victim demanded an arrest or where an arrest was necessary to prevent imminent harm. *Id.*

counseled or sent away.⁴¹ In May 1984, the government publicized the results of this 314-case study. Shortly thereafter, the U.S. Attorney General issued a report recommending arrest in all cases of misdemeanor domestic assault.⁴²

The next ten years brought a significant change in police policy and law on domestic violence. Because of the advocacy of the battered women's movement and the Attorney General's report, police departments, particularly those in urban areas, began to encourage officers to use their arrest power in domestic violence cases.⁴³ By 1994, the legislatures of twenty-three states and the District of Columbia had adopted mandatory-arrest statutes, which removed police discretion in most domestic violence cases and *required* police officers to make arrests.⁴⁴

Based on their belief that domestic violence is rooted in the power that men maintain by having control over their partners in the historically-sanctioned privacy of their own homes, battered women's advocates argue that arrest is necessary to disrupt patterns of abuse.⁴⁵ Without state intervention, advocates believe the abuser can maintain uninterrupted and exclusive control over the battered women. They assert that arrest provides a battered woman with a period of relief from abuse and an opportunity to seek outside help from a shelter or her family,⁴⁶ and that arresting batterers can in some cases save women's lives.⁴⁷

Battered women's advocates also have a deep mistrust of police discretion, because they believe that discretion provides police with a justification for crediting not the victim but the batterer.⁴⁸ Particularly when the batterer does not fit their definition of a criminal, police may fail to arrest

41. Police records showed that repeat incidents of domestic violence occurred as follows: 10% of *arrested* suspects had at least one repeat incident, as compared to 19% of *advised* suspects, and 24% of the suspects merely *sent away*. Victim interviews also revealed that arrest was the most effective measure. *Id.* at 19.

42. U.S. ATT'Y GENERAL'S TASK FORCE ON FAMILY VIOLENCE, REPORT 17 (1984).

43. One researcher suggests that, in addition to the advocacy by the battered women's movement and the Attorney General's report, the national trend of political conservatism in the early '80's contributed to the adoption of stricter arrest policies. Richard J. Gelles, *Constraints against Family Violence, in DO ARRESTS AND RESTRAINING ORDERS WORK?* 30, 33 (Eve S. Buzawa & Carl G. Buzawa eds., 1996).

44. Miriam H. Ruttenberg, *A Feminist Critique of Mandatory Arrest: An Analysis of Race and Gender in Domestic Violence Policy*, 2 AM. U. J. GENDER & L. 171, 180 (1994).

45. See R. EMERSON DOBASH & RUSSELL P. DOBASH, *WOMEN, VIOLENCE AND SOCIAL CHANGE* 212 (1992).

46. See Lisa A. Frisch, *Research that Succeeds, Policies that Fail*, 83 J. CRIM. L. & CRIMINOLOGY 209, 214 (1992) (arguing that arrest, regardless of any deterrent effect it may have, is valuable in that it provides time for victims to get to safety).

47. See Sarah M. Buel, *Mandatory Arrest for Domestic Violence*, 11 HARV. WOMEN'S L.J. 213, 216 (1988) (arguing that arresting batterers in less severe cases may ultimately save the lives of their victims).

48. *Id.* at 217 (citing several studies indicating that police in discretionary-arrest jurisdictions fail to arrest in a majority of cases in which arrest is requested by the woman).

him in appropriate circumstances. If the batterer is prominent in the community, for example, police in a discretionary-arrest jurisdiction may fear legal reprisals by the batterer if he is arrested.

Many police officers also may harbor personal attitudes about violence in the family that diverge from police policy that deems such violence criminal. Some researchers have noted that police departments have a workplace culture which often encourages, or at least tolerates, abusive behavior among officers.⁴⁹ In a discretionary-arrest jurisdiction, officers have a greater opportunity to be influenced by their personal attitudes and not arrest in cases of misdemeanor domestic violence. Because of the consequences of police discretion, advocates argue for mandatory arrest as a way to achieve the goal of more arrests.

Many in the movement believe a mandatory-arrest policy will deter men who are inclined to abuse their women partners but who have not done so. As one battered woman's advocate argues:

Even if a law enforcement approach fails to result in specific deterrence in some cases, enforcement of the law . . . sends an appropriate message to the community — that domestic violence is not acceptable. Specific deterrence of a particular offender is not the only goal. When an arrest is made . . . other men in the community may judge their own situations and conduct differently.⁵⁰

Battered women's advocates' support for mandatory arrest also grows out of the belief that such a policy can empower the battered woman. Because battered women so often lack the ability, physically and psychologically, to extricate themselves from their abusive relationships, advocates argue, state intervention must be through a policy of mandatory rather than discretionary arrest.⁵¹ Allowing the woman to decide whether the batterer should be arrested leaves too much room for him to pressure her not to have him arrested.

Advocates argue that if law enforcement treats abusive conduct consistently as a crime against the state, rather than as a personal problem, individual battered women will have less to fear from their batterers.⁵²

49. CYNTHIA K. GILLESPIE, *JUSTIFIABLE HOMICIDE: BATTERED WOMEN, SELF-DEFENSE AND THE LAW* 13, 15 (1989).

50. Lisa Lerman, *The Decontextualization of Domestic Violence*, 83 J. CRIM. L. & CRIMINOLOGY 217, 224-25 (1992).

51. Buel, *supra* note 47, at 223.

52. Roni Young, a Maryland assistant district attorney, elaborated on this point during early Violence Against Women Act hearings:

[W]e also relieve them of responsibility, and when I say this, these are the State's cases. It helps when we can tell a defendant . . . I am not going to drop these charges; these are the State's charges, you have committed a crime against her and the community and you are going to be held responsible for it. Then her fears of retaliation are lessened because the weight is thrown back on the State at that point. . . . [The victims] become empowered. . . . We need to make arrests mandatory and not leave it up to the whims of the victims.

When the power and resources of the State, in the person of police officers, are placed squarely behind the battered woman in this manner, she will come to feel more valued as a member of society. Ultimately, advocates argue, she will be able to avoid, and protect herself from, further violence.⁵³

B. *Mandatory Arrest: A Universal Solution?*

Battered women's advocates rest their support for mandatory arrest on the deterrence of batterers and empowerment of women they believe the policy can achieve. Subsequent criminological studies, however, suggest that any beneficial effects produced by mandatory arrest may not be universal across race and class.

To test the validity of the results of the 1984 Minneapolis study, which found arrest to be the most effective police response to a domestic violence incident, the Department of Justice in 1990 funded replication studies in six cities — Atlanta, GA., Charlotte, NC., Colorado Springs, CO., Omaha, NE., Milwaukee, WI., and Miami, FL. These studies strongly suggest that, although arrest alone⁵⁴ may deter some men from continuing their abuse, when a battering suspect is unemployed, he tends to be more violent *after* an arrest.⁵⁵ The Minneapolis study had not revealed that employment status altered the specific deterrence effect of arrest.⁵⁶

Criminologist Lawrence Sherman, an author of the Minneapolis study, argued that that study had focused on too small a sample of batterers to be able to produce useful information for other jurisdictions considering the effectiveness of arrest. He also noted that the study did not consider that arrested men may have been least likely to repeat their violence against the same women because of a displacement, rather than a deterrent, effect; that is, the researchers failed to investigate whether these men had simply gone on to batter new victims.⁵⁷

Some police statistics seem to support the contention that mandatory-arrest policies prevent incidences of domestic violence. Following the enactment of Connecticut's mandatory arrest law in October 1986, for example, the Hartford Police Department reported a 28% drop in the number of

Women and Violence: Hearings Before Senate Comm. on the Judiciary, 101st Cong., 1st Sess. 88-89 (1990) [hereinafter *Women and Violence*] (statement of Roni Young).

53. See, e.g., Buel, *supra* note 47, at 223-24 ("Arrest can kindle the battered woman's perception that society values her and penalizes violence against her. This perception counteracts her experience of abuse The woman may begin to believe in herself enough to endeavor to protect herself.").

54. One advocate criticized the original and replication experiments for failing to examine the effectiveness of arrest if combined with prosecution, incarceration, and treatment for the abuser. Lerman, *supra* note 50, at 224.

55. Sherman, *supra* note 38, at 25.

56. Sherman, *supra* note 38, at 19.

57. *Id.*

calls for assistance in domestic violence incidents.⁵⁸ However, such statistics do not prove conclusively that mandatory-arrest policies have a deterrence effect. Instead, they may indicate a greater hesitation on the part of battered women to report incidents of violence to the police.

After an incident of domestic violence, for example, a woman might wish to call the police and have them come to her home. She might reason that a police officer could diffuse an explosive situation or frighten her batterer into ceasing his abuse. She may engage in a careful cost-benefit analysis and determine that, while police *presence* would be useful, an *arrest* would not. A woman may be dependent on the income of her batterer, for example, or she may not want their children to witness their father's arrest. Such a woman, if aware of a mandatory-arrest policy in her jurisdiction, would likely refrain from calling the police at all, and would thereby be deprived of a potentially useful tool in her struggle to end the violence in her life.

While battered women's advocates may dismiss these concerns,⁵⁹ they are nonetheless compelling to many battered women, who might well perceive a mandatory-arrest policy as paternalistic.⁶⁰ While such concerns cannot be precisely correlated with the race and class of a woman or her batterer, they do indicate that women have individualized responses to the problem of domestic violence that are not respected by mandatory-arrest policies.

Advocates argue that mandatory arrest symbolizes the support of the state to a battered woman. However, for significant numbers of women, the state is not a source of comfort but a cause for mistrust or anger. Women in relationships with Black men, for example, confront a legacy of police brutality and disproportionately harsh prosecutorial treatment of Black arrestees.⁶¹ Particularly when these women are also Black and have grown up in a community with an excessive police presence, they may view

58. Buel, *supra* note 47, at 216.

59. Battered women's advocate and district attorney Sarah Buel, for example, seems to believe that a woman with such fears simply should not have them. If she is worried about money, social workers can help her obtain public assistance or employment. The battered woman must understand, according to Buel, that if a batterer is not arrested, he may become more violent, and that her children's continued witnessing of abuse is much worse than witnessing their father's being arrested. Buel, *supra* note 47, at 222-23. Thus are the battered woman's concerns rendered illegitimate.

60. Of course, if a woman herself calls the police after an attack or after a violation of an order of protection and *asks* for her batterer to be arrested, the paternalism concern would not be present. In this case, a mandatory-arrest policy simply means that the police must honor the woman's wishes and respect her right to invoke the power of the state.

61. See JEROME J. MILLER, SEARCH AND DESTROY: THE FLIGHT OF AFRICAN AMERICAN MALES IN THE CRIMINAL JUSTICE SYSTEM 10, 12 (1993) (providing evidence that sentences are longer for defendants of color for all types of crime and that a defendant's employment status has no measurable effect on this disproportionality); see also Fox Butterfield, *More in U.S. Are in Prisons, Report Says*, N.Y. TIMES, Aug. 10, 1995, at 14 (reporting on Department of Justice study that showed a rising proportion of Black inmates in state and federal prisons).

the police with great suspicion and may not find the arrest of their batterer to embody support for them.⁶² Thus, any feelings of relief that an arrest of their batterers might otherwise bring may be trumped by feelings of guilt, fear and concern about the fate of their partners in the criminal justice system.⁶³

Some advocates have attempted to address the concerns about racism⁶⁴ in the criminal justice system by arguing that a mandatory-arrest policy leads to less police racism than does a discretionary-arrest regime, where there is more room for the prejudices of individual officers to operate.⁶⁵ However, even in a mandatory-arrest regime, the police still must make probable-cause determinations about whether violence has occurred; probable cause is not a colorblind calculation.⁶⁶ That is, police racism and classism may operate to make them more incredulous of the testimonies of women of color and low-income women than of white and middle-class women,⁶⁷ such that what is in fact a situation mandating arrest may not be perceived as such, and vice versa. The argument that police racism is less a factor in mandatory- than a discretionary-arrest jurisdiction is therefore incomplete.

Illustrating the particular difficulties posed by the intersection of race and sex, many Black women active in domestic violence research, policy advocacy, and organizing have warned battered women against allowing

62. See Miller, *supra* note 61, at 19-20 (arguing that Black individuals and families are so negatively affected by high arrest rates of Black men that they have a negative attitude toward "the law and its representatives").

63. See, e.g., Kathleen Hendrix, *World's Women Speak as One against Abuse*, L.A. TIMES, May 27, 1991, at 1 (documenting this assertion of a Black woman who coordinates a sexual assault center in California: "I am black first. My culture and anything else comes after Our husbands and boyfriends may be perpetrators, but we are also concerned about what will happen to them in the racist [justice] system."). See also Jenny Rivera, *Domestic Violence against Latinas by Latino Males: An Analysis of Race, National Origin and Gender Differentials*, 14 B.C. THIRD WORLD L.J. 231, 248 (1994) (noting that Latinas who wish to report domestic violence face a "double bind — empowerment through the disempowerment of a male member of the community").

64. For an account of systemic racism in the criminal justice system, see Randolph N. Stone, *The Criminal Justice System: Unfair and Ineffective*, 2 HARV. J. AFR.-AM. PUB. POL'Y 53 (1993).

65. See, e.g., Buel, *supra* note 47, at 224 ("A mandatory arrest law can help eradicate [the] problem [of police racism] by requiring officers to arrest whenever specific, objective conditions are met, thus resulting in less discrimination than a discretionary system."); see also Joan Zorza, *Must We Stop Arresting Batterers?: Analysis and Policy Implications of New Police Domestic Violence Studies*, 28 NEW ENG. L. REV. 929, 970 (1994) (arguing that Blacks are proportionately arrested only after a mandatory arrest policy is initiated, and are disproportionately arrested as police discretion increases).

66. For an example of police using racial stereotypes to determine probable cause, see *United States v. Weaver*, 966 F.2d 391 (8th Cir. 1992), *cert. denied*, 113 S. Ct. 829 (1992).

67. One guidebook addresses the unique problems of police racism — regardless of the arrest policies in place — faced by African-American women who report acts of physical violence. EVELYN C. WHITE, CHAIN CHAIN CHANGE: FOR BLACK WOMEN DEALING WITH PHYSICAL AND EMOTIONAL ABUSE 39 (1985).

themselves to be "guilt-tripped" by abusive men who accuse them of racism and betrayal for reporting them to the police. One scholar argues, "We have paid our dues, and black men must be held responsible for every injury they cause."⁶⁸ An activist asserts: "It's a copout for brothers to use the issue of racism to make us feel bad."⁶⁹

Women must have the right to receive effective police assistance when they are suffering abuse, no matter from whom. This assertion is particularly important for Black women, who face a historic presumption by police that their race predisposes them to enjoy violence.⁷⁰ My argument is not that arrest for domestic violence in communities of color is always an inappropriate response. Rather, I am arguing that a *mandatory-arrest* policy presents unique problems for women of color and poor women that have been largely overlooked by mandatory-arrest advocates.

During congressional hearings on the Violence Against Women Act (VAWA),⁷¹ for example, feminist prosecutors of domestic violence cases, domestic violence policy advocates, and psychiatrists⁷² lobbied for language that would indicate federal approval of mandatory arrest.⁷³ In their lobbying, the overwhelmingly white and middle-class advocates discussed the issues of class and race only to argue that they were insignificant factors in the formulation of policy. Sarah Buel missed the point when she argued that law enforcement officials consider race only to excuse the conduct of abusive men:

I would encourage that a mandatory component of [training issues included in the bill] be on multicultural and antiracism issues. I am constantly hearing from police and D.A.'s and judges, whenever the defendant is of color, that somehow that is relevant to the abuse . . . [They do this] because of the denial and because of the desire to distance themselves from the abuser, that if they can

68. Beth Richie-Bush, *Facing Contradictions: Challenge for Black Feminists*, AEGIS 17-18 (1983).

69. Lynora Williams, *Violence Against Women*, BLACK SCHOLAR, Jan.-Feb. 1981, at 18, 23 (quoting Nkenge Toure of Washington's Rape Crisis Center).

70. See ROSEMARIE TONG, WOMEN, SEX, AND THE LAW 171-72 (1984) (noting that police officers, prosecutors, and judges have historically neglected the welfare of Black women).

71. The Violence Against Women Act was enacted as Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (codified as amended in scattered sections of 8 U.S.C., 18 U.S.C., and 42 U.S.C.).

72. *Women and Violence*, *supra* note 52 (statements of Buel, Kelly-Driess, and Browne).

73. The legislation ultimately passed does not in fact create a federal arrest policy. Instead, it provides grants to jurisdictions whose police departments enact either mandatory-arrest policies or policies that simply encourage arrests in domestic violence situations. See 42 U.S.C. § 3796 (1994) ("Eligible grantees are States, Indian tribal governments, or units of local government that — (1) certify that their laws or official policies — (A) encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and (B) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order.").

say this is part of the Latino culture or this is something that foreigners do, because he is from Iran, that this is how this man behaves, and I can point out nine Italians and nine Irish, nine people from our community who they view as their children, their friends, and they do not want to see them in the same context. [A]buse, as others have testified, cuts across all race and class lines."⁷⁴

Buel's comments dismissed the fact that while domestic violence may be universal, its causes and treatment may not.

Battered women's advocates have not demanded further studies of possible correlations between race, class, and other individual characteristics and the rate at which domestic violence occurs. One African-American activist and scholar describes an encounter with the Los Angeles Police Department in which a department spokesperson told her that battered women's advocates strongly opposed release of any statistics that would indicate the number of domestic violence incidents in communities of racial minorities.⁷⁵

The reason for this perspective by the battered women's movement is undoubtedly its legitimate concern about stereotypes. Linking a batterer's race and his propensity to be violent, or a woman's race and the length of time she spends with her batterer, may perpetuate racist stereotypes that men of color are more violent than white men, and that women of color are masochistic.⁷⁶ The numerous battered women's advocates with experience in the anti-rape movement⁷⁷ were criticized for insensitivity to the historically racist use of rape charges,⁷⁸ and undoubtedly resolved not to leave themselves open to similar criticisms. Advocates neatly avoid this potentially dangerous political position by virtue of their oft-stated belief that domestic violence is universal, and that race and class differences affect neither the causes of nor the remedies for domestic violence. Because of this view, they argue that studying possible correlations between particular races and classes and domestic violence before enacting law enforcement remedies is not worthwhile.

For similar reasons, the battered women's movement has failed to survey the broad spectrum of battered women to determine whether mandatory-arrest laws and other remedial measures actually reflect their

74. *Women and Violence: Hearings Before the Senate Comm. on the Judiciary*, 101st Cong., 2d Sess. 124 (1990) (statement of Sarah Buel).

75. Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1252-53 (1991).

76. See TONG, *supra* note 70, at 170 (noting the myths that teach that people of color are inherently more violent than whites).

77. "The antirape movement provided the ideology, methods, and public acceptance necessary for the emergence of the battered women's cause." PLECK, *supra* note 10, at 185; see also SCHECHTER, *supra* note 7, at 34-43 (arguing that the anti-rape movement was influential in the formation and theories of the battered women's movement).

78. SCHECHTER, *supra* note 70, at 40.

needs and interests. Instead, without having found out from the women themselves what they want, the movement has spoken on behalf of all of them.

III.

BENEFITS AND COSTS OF ESSENTIALISM IN THE BATTERED WOMEN'S MOVEMENT

Essentialism has produced a strategic benefit for the movement as it pursues its advocacy agenda. The ability of the movement to win legislative victories such as the VAWA — with its allocation of substantial financial resources for various domestic violence programs — seems premised on its capacity to convince legislators that domestic violence affects middle-class and white women as much or more than low-income women and women of color. When advocates emphasized in their lobbying for VAWA that women of all races and income levels experience domestic violence, for example, the face of that movement was white. The conspicuous presence of white, middle-class women sent an unspoken but unmistakable message to legislators: Although domestic violence is a universal problem, it gains political significance primarily because it affects white, middle-class women such as those in this movement, those you know, and those who vote.⁷⁹

Many contemporary studies in fact do show a positive correlation between a couple's low income level⁸⁰ or non-white race⁸¹ and the likelihood of domestic violence. However, any *movement*-supported study with similar results would likely be perceived by the movement to detract from its ability to win major legislation.⁸² This perception seems not entirely incorrect and was likely formed by the movement's early political experience.

79. Legislators responded well to the movement's emphasis on the fact that domestic violence occurs not only among the poor and racial minorities but among white, middle-class families. Senator David Boren, speaking in support of the 1991 version of the VAWA, noted, "[v]iolent crimes against women are not limited to the streets of the inner cities, but also occur in homes in the urban and rural areas across the country Today our wives, mothers, daughters, sisters, and colleagues are held captive by the fear generated by these violent crimes." 137 CONG. REC. S611 (daily ed. Jan. 14, 1991). Senator William Cohen made a similar statement. *Id.*

80. See, e.g., Cazenave & Straus, *supra* note 17, at 282.

81. See, e.g., Jo-Ellen Asbury, *African-American Women in Violent Relationships: An Exploration of Cultural Differences*, in *Violence in the Black Family* 89, 93 (Robert L. Hampton ed., 1987) (citing several studies showing that "wife abuse" is disproportionately common among African-Americans).

82. Kimberle Crenshaw argues that assertions that the problem of domestic violence equally affects all races and classes "are driven less by actual knowledge about the prevalence of domestic violence in different communities than by advocates' recognition that the image of domestic violence as an issue involving primarily the poor and minorities complicates efforts to mobilize against it." Crenshaw, *supra* note 75, at 1299 n.56.

The Carter Administration allocated substantial federal resources to combatting domestic violence precisely because it was convinced — by advocates — that the problem affected middle-class and white women. As one administration official explained,

Suddenly there was an explosion all over the country and local groups told us of the lack of concern and money. . . [W]e realized domestic violence was a widespread problem . . . [T]here was a federal response because the problem cuts across class and race. If domestic violence affected only poor women, it would have been dismissed.⁸³

Unfortunately, these strategic benefits are offset by certain costs. The movement's rhetoric functions to minimize the experiences and needs of those low-income and non-white battered women who differ from the universal "battered woman" described by the movement. These women may suffer when legislators enact mandatory-arrest laws because, as studies suggest, they may face increased violence after their abusive partners are arrested against their will. Additionally, their own demands for alternative solutions will be seen as illegitimate, since they are not in line with the politics of the "official" battered women's movement.

A second cost to minimizing the significance of race and class differences is that many people now in the movement and who might otherwise join may find that its agenda forces them to ignore particular types of injustice not within the movement's theoretical paradigm. The movement has articulated a fairly rigid theory of the causes of domestic violence, namely, that the problem results exclusively from gender oppression. bell hooks argues that the battered women's movement's emphasis on gender oppression and its manifestation in the nuclear family is unduly narrow. She states:

Unlike many feminist activists writing about male violence against women, black women and men emphasize a "cycle of violence" that begins in the workplace because we are aware that systematic abuse is not confined to the domestic sphere, even though violent abuse is more commonly acted out in the home.⁸⁴

The movement typically does not take into account in its theory and advocacy the racist humiliation and violence that men of color suffer in the workplace. It does not see as its mission to work against the many factors — abusive parents, bullying schoolmates, feelings of inadequacy, economic

83. SCHECHTER, *supra* note 70, at 192 (emphasis added)(quoting Mary Jane Cronin, Head of the Federal Law Enforcement Assistance Administration during the Carter presidency).

84. BELL HOOKS, *FEMINIST THEORY: FROM MARGIN TO CENTER* 121-22 (1984) (arguing additionally that Black men project the pain they suffer as exploited members of the workforce onto the women with whom they live).

and racist oppression, for example — that hooks and others believe combine to make men violent. The movement is resistant to incorporating any theory of domestic violence that would validate these factors, or any of the reasons that men themselves have traditionally given for why they batter. Advocates believe that such validation would be equivalent to excusing domestic violence and diminishing the significance of sex inequality and gender oppression.

However, the effect of this attitude is that the movement fails to recognize that women in relationships with men of color are likely, as hooks argues, to understand racism at work against men to be relevant to their own suffering at home, and to be something against which they wish to struggle. Women sensitive to the ways in which race and class affect a woman's experience and understanding of domestic violence may find the persistent minimization of the significance of race and class tantamount to a denial of their own personal and political identities.⁸⁵ Along with women of color, white women who have a strong commitment to antiracist politics may feel, as a result of the movement's current race-blind theories and organizing practices, that they must choose between their feminist politics and antiracist politics.

IV.

CONCLUSION

Rather than continue to make assertions about the universality of domestic violence and the similarities between battered women, the battered women's movement must seek input from and participation of those women whose life experiences are different from those of the overwhelming majority of its members.

Given the evidence of the differential impact the criminal justice system has on poor people and people of color, the movement cannot continue responsibly to advance an agenda that leads to more arrests, without confirming that such an agenda is supported by the battered women it purports to represent and is effective in actually reducing violence.

Responses tailored to the needs of particular communities might be more effective and ultimately more empowering of battered women. Some alternatives might include removing the batterer's driver's license, notifying his employer, or publicizing his violent behavior in public places.⁸⁶ In Park Slope, Brooklyn, feminist activists frequently plaster telephone poles with pictures of men who are alleged batterers. In the same neighborhood,

85. This experience of being forced to segment one's identity is akin to "political intersectionality," a term Kimberle Crenshaw uses to describe the fact that "women of color are situated within at least two subordinated groups that frequently pursue political agendas [in a way that] men of color and white women seldom confront." Crenshaw, *supra* note 75, at 1250.

86. These suggestions were made by Elizabeth M. Schneider in *Epilogue: Making Reconceptualization of Violence against Women Real*, 58 ALB. L. REV. 1245, 1252 (1995).

a group of fifteen women from a feminist karate school went to the home of a classmate who was being battered and assisted her in moving out. These suggestions may present civil liberties problems for accused batterers and potential safety problems for would-be feminist heroes, but they are creative, grass-roots responses that deserve consideration from those advocates currently focusing on law-enforcement remedies.

Additionally, the movement must work to increase the visibility of, and generate concern and support for, *all* who suffer from domestic violence. Testifying about the universality of domestic violence and emphasizing its effects on white middle-class women may gain the sympathy of legislators, but it also displaces concern for all other victims of domestic violence. The movement should instead struggle to win support for victims of domestic violence no matter who they are, and should insist on remedies that acknowledge the differences among women. It should show all the faces of domestic violence, not just the white ones, when it testifies in Congress.

A wide-ranging discussion on ways to understand the cause of battering is also in order. It may well be impossible to find one theory that adequately reflects the experiences and needs of all battered women,⁸⁷ but a discussion among a truly diverse group of women is necessary. The current demographics of the movement make entry for a woman of color or low-income woman daunting. These women will have no incentive to participate if their experiences and thoughts on the issues are deemed foreclosed by a movement committed to one theory and set of organizing practices. White and middle- and upper-class women who have a strong commitment to economic justice and antiracism may also feel alienated from the movement's hesitation to discuss fully and frankly issues of race and class. Thus, coalitions among women of diverse racial and class backgrounds are frustrated.

The problem of domestic violence is an enormous one requiring commitment and struggle. Yet, in working to end it, the movement must not perpetuate other social problems. Advocacy for criminal justice remedies must not compound the problem of police racism and disproportionate imprisonment of men of color. The movement should align itself with other progressive organizations working for social change, such as the groups organized to fight police brutality and groups working for alternatives to incarceration.⁸⁸

The battered women's movement has put domestic violence in the national spotlight as never before, and has much of which it can be proud.

87. "The search for a totalizing theory bears the marks of essentialism. Just as feminist theory cannot speak for all women in the same voice, it may be that there is no one theory that adequately accounts for all forms of domestic violence." SCHNEIDER, *supra* note 21, at 532.

88. See SCHECHTER, *supra* note 7, at 238-40 (arguing that a long-term plan to end abuse of women demands a radical political and economic restructuring of society).

Law-enforcement remedies are a part of the solution to this problem of immense scope. Mandatory-arrest laws, however, are symptomatic of an approach that essentializes battered women. Advocating a uniform set of remedies for all women inappropriately simplifies the problem, to the detriment of those women whose experiences put them at the margin of the movement's theory and organizing practices. As one South Asian anti-violence activist states, "Simplification is silencing."⁸⁹

89. Interview with Sujata Warriar, former director of the Coalition of Battered Women's Advocates, in New York, NY (October 13, 1995).