Female victims of domestic violence and their negotiation for safety

Lisa Rose Kopinski

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FEMALE VICTIMS OF DOMESTIC
VIOLENCE AND THEIR
NEGOTIATION
FOR SAFETY

by

Lisa Kopinski

Bachelor of Arts
University of Nevada, Las Vegas
1996

A thesis submitted in partial fulfillment
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ABSTRACT

Female Survivors of Domestic Violence and Their Negotiation For Safety

by

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With the majority of studies focusing on the reasons why victims discontinue legal action against their abusers, I believe these women are once again being blamed for the continued abuse. It is my thesis that victims of domestic violence enter formal action against their abusers with specific goals in mind particular to each woman's life situation. These goals may be very different than the legal outcomes prominent amongst our nation's courtrooms. I will attempt to illustrate those goals victims routinely seek as well as the obstacles they encounter when attempting to free themselves from violence. This research will become a valuable tool for those attempting to make the criminal justice system and social service outlets more accessible and user-friendly for victims of domestic violence.
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I would like to thank my sister, Shelly for her steadfast support. Through my many crises, her calm, sensible nature provided me endless strength and peace.

For her everlasting faith in my abilities as a child and now, a woman, I wish to dedicate this thesis to my mother, Patricia Kopinski. Through good and bad, she remains my rock. She has shown me that with love and faith, anything is possible. For this, I am eternally grateful.
CHAPTER 1

INTRODUCTION

"Survivor? You know, you're the first person who didn't call me a victim."

(Theresa)

The continued existence of domestic violence causes many to question a woman's motive for staying with an abusive partner. Recent legislation and media attention only contribute to this misunderstanding, providing "justification" for this line of inquiry. It is important to acknowledge, however, that such assumptions lie on the belief that the following are true:

- The goals of female survivors of domestic violence coincide with those of the criminal justice system.
- The benefits of formal action outweigh its potential drawbacks
- Support is readily available for women pursuing legal action against their abusers

Unlike prior research on domestic violence, this thesis will not focus on the actions of women in relation to the prescribed norms of the criminal justice system, but instead focus on interpreting domestic violence survivors' actions in the context their individual goals.
Following a dramatic increase in reported crimes, criminal justice and political officials began to search for solutions. In doing so, theories which utilized sociological explanations such as the strain theories of Cloward and Ohlin (1960) and Robert K. Merton's (1938) theory of anomie came to dominate the criminal justice policies of this time. This increased emphasis on societal causes for crime turned theorists away from explanations based on individual offenders and highlighted social conditions and norms as explanations for our nation's growing crime rate. In doing so, the federal government and the states responded with various social reforms aimed to enable the poor to "raise themselves out of poverty." Examples of such programs included public housing construction, outlawed discrimination in hiring and housing applications, and billions of dollars of federal aid appropriated for early childhood education.

In addition to the development of social programs to combat crime, the nation also witnessed a shift in societal ideas regarding marriage and divorce at this time. With this in mind, we now turn our attention to a brief discussion of the changes observed regarding the nuclear family in America. In doing so, it will become clear that increased legal action within the criminal justice system against those who commit crimes and changing views concerning marriage and divorce contributed to the adoption of ideologies which embraced independence and strength of self, three key ingredients which allowed for increased criticism of American married life.

While Americans had once admired couples that sustained marriages under difficult circumstances and put their obligations to others ahead of their
own personal happiness, the 1970s heroes were those who maintained their independence. In his book, “How we got here,” David Frum exemplifies this notion with a citation from the 1970s movie *Kramer vs. Kramer*: “Joanna is a very unhappy woman,” says the warring couple’s best friend. “You may not want to hear this, but it took a lot of courage for her to walk out of here” (2000). Frum argues that the 1970s were the beginning of an era in which remaining in an unhappy marriage became proof of one’s lack of conviction (2000). To reinforce this claim, he cites Ann Landers: “It is clear that all-too-many married couples live together while having emotionally divorced each other long ago. These are cowards” (1976). In contrast to traditional ideals, which held that a successful couple is able to navigate through rough times, it became admirable at this time to fearlessly put one’s own needs first and abandon a marriage which was unhappy and/or unhealthy.

This notion directly coincided with the second wave of the feminist movement. As will be discussed in the following chapter, feminists searched for ways in which women could be empowered within society. Although different strains adopted varying means by which they believed the empowerment of women could be achieved, feminists generally had one belief system in common: women were not equals in American society and this was a social problem. In doing so, they argued in varying ways for changes within American society which would allow women to take control of their lives. Whether it be liberal feminists who argued that women should receive equal rights as men or Marxist feminists who theorized the notion of polarized public and private
spheres within American society, and the interlocking systems of capitalism and patriarchy, it becomes evident that this notion of independence coincides with societal views regarding marriage and divorce during this time.

Not only did the general public adopt this notion of independence and begin to accept instances in which marriage could be terminated, but the growing rate of divorce in the United States even forced some religious institutions to tolerate these ideas as well. While there were only 480,000 divorces granted in the United States in 1965, this number had exceeded one million by 1975. For example, in October 1973, the general convention of the Episcopal Church voted to recognize the validity of civil divorce, ending the long delays for remarriage within the church that Episcopalians had once faced. Such changes were found in the Catholic Church, as well. For example, between 1968 and 1981, the number of annulments granted by the Catholic Church jumped seventy-sevenfold.

With this in mind, it becomes clear that the feminist movement, changing views toward marriage, divorce, and women's place in American society began to change the focus of criminal justice officials and draw their attention to such issues as domestic violence and its social implications.

A shift toward stricter punishments for crime in the 1970s coupled with pressure from battered women's advocates and feminists led to a heightened response to domestic violence incidents. Research conducted at this time indicated arrest as an effective deterrent for perpetrators of domestic violence contributed to this trend. As a result, local police departments responded with
new policies aimed to "get tough" on domestic violence offenders. It was at this time that pro-arrest, mandatory arrest, and no-drop prosecution policies were implemented throughout the country. In addition, temporary protection orders provided legal reinforcement for women who accused their significant others of domestic violence. Through the development of a victim/offender dichotomy, the legal system was now able to infringe on an offender's legal right to personal privacy and property. For instance, the utilization of temporary protection orders forced abusers to stay away from their victims, evicted them from their homes, and stripped them of their parental rights through the temporary loss of custody. Social service agencies responded as well with the development of local shelters for victims of domestic violence to seek refuge. The response was great: from the 1970s through 2000, over 1,250 women's shelters were established as safe havens for women and their children (VanWormer and Bartollas, 2000).

With such changes taking place in American society and the nation's criminal justice system at this time, many began to question the motives of women who apparently failed to use these newfound laws and options to their best advantage. As will be discussed later, the overall shift began to turn from an identification of women as victims to a critique of their motives and actions. Not only did the general population begin to question these women's motives, but domestic violence officials in the criminal justice system and social service agencies began to look for alternative solutions. The following section will describe two typical approaches, which attempt to explain the actions of domestic violence victims when seeking formal assistance.
Throughout this time of great change in the way domestic violence was seen in the United States, the dominant viewpoint was the liberal feminist notion that if women were given power through legal options and education, they would have the knowledge and opportunities necessary to end the violence in their lives. In short, officials, advocates and theorists believed that, given the appropriate resources, women would be able to escape the violence plaguing their home lives. However, research has shown that although great changes have taken place in our nation's legal system, which are supposed to help women escape violent relationships, many women “fail” to use these options to their advantage (Domestic Violence Intervention Project, 1999; Shepard and Pence, 1999).

Researchers and officials adopt the following two approaches to explain this phenomenon. First, the approach of many legal scholars and officials, revolve around the inadequacies of the legal system and the power of laws to protect women. They argue that increased severity of punishment and legal scope against abusers must be available in order to assure that women are able to adequately escape violent relationships (Biden, Jr. J.R. 1990; Boxer, Barbara, 1991). The second approach, that of many feminist scholars, asserts that the legal system need not only need be more accessible to, and appreciative of, women's life situations, but social systems must be rid of patriarchy which serves as the foundation for women's oppression in American society (MacKinnon, 1989; Price and Sokoloff, 1995).
I argue that my predecessors are missing some key points in understanding the continued failure to prosecute domestic violence offenders in the United States. In each of these approaches or paradigms, authors generally place the majority of the blame for failure to prosecute on one of two sources: the women themselves, arguing that they are simply failing to use the system to its fullest potential, or on the criminal justice system through its oppression of women or inadequate laws and processes (Dobash and Dobash 1998, Buzawa and Buzawa, 1996).

I believe that if our goal is to understand why women initiate legal action against their abusers only to discontinue it a short time later, we must attempt to see the legal system and the social world through the eyes of these women themselves. This goal can only be achieved by attempting to acknowledge and understand each woman's individual motivations and goals for initiating legal action in the first place. In doing so, I believe we will be able to answer the following questions: What do women hope to accomplish in their personal lives? What do women want from the criminal justice system? More specifically, what are their legal goals? As it stands now, when women enter the legal system, they are forced to adopt the institutional goals and organizational goals of the legal system which ultimately lead to full prosecution. However, I question: do female victims of domestic violence generally want their abuser arrested and thrown in prison? Perhaps many women simply enter legal action to learn about their options, or to assert their power against their abuser (Bowker 1983, Dobash and Dobash 1998). Maybe many simply wish to achieve one, albeit small, goal
such as eviction of their batterer from the house or collection of child support. These are important prospects one must consider. It is my opinion that until we understand the goals and motivations of female victims of domestic violence, each attempt we make at procuring their safety and legal rights will ultimately backfire. These goals must first fit into their lifestyles and suit their needs in order to adequately serve this delicately situated population.

To address these questions, I utilize a case study of Southern Nevada domestic violence system policies and interviews with officials and survivors to compare and contrast the goals and values within each. In doing so, unstructured interviews with fifteen survivors and ten officials will be conducted at key points within the formal system. Secondary analysis regarding domestic violence in Nevada will be conducted by participant observation in local volunteer training and courtroom sessions.

In chapter two, I review legal changes with respect to domestic violence in the United States. In doing so, I will briefly examine several feminist, sociological, and legal perspectives which served as cannons for the emergence of political thought and domestic violence in the United States. As a result, we will be able to see how each dominant perspective built upon another to create the laws utilized within the criminal justice system today. In chapter three, I will discuss the chosen methods to achieve this goal at length. In chapter four, I will describe the evolution of domestic violence litigation throughout the United States and Clark County, Nevada. The following section will provide the basis for the current study. Chapter five will recap interviews with officials working within
various aspects of the formal domestic violence system, while chapter six will summarize interviews with survivors, the central subjects of this study. In conclusion, I will summarize my central findings and provide suggestions for future research and policy.
CHAPTER 2

DOMESTIC VIOLENCE AS A SOCIAL PROBLEM

Although much attention has been paid to the issue of domestic violence, as recently as the 1970s, criminal justice policies exemplified the general societal view that domestic violence was a private family issue. In doing so, domestic violence was trivialized at many levels of the criminal justice system. For instance, when called to the scene of a domestic violence incident, police officials attempted to mediate and dissolve the conflict rather than arrest the offender. (Buzawa and Buzawa, 1996). However, contrary to the marked blame placed on local police departments for inadequate responses to domestic violence, this discrimination was not isolated to local police departments alone. Our local courthouses were guilty of this ignorance as well (1996). For example, when domestic violence cases came across prosecutors’ desks, they were likely to be screened out or dismissed altogether (Rebovich, 1996). According to prominent theorists, this lack of urgency on the part of criminal justice officials at this time allowed men who assaulted their intimate partners more lenience than those who assaulted strangers in part because of the widely held view of domestic violence as a private, family matter (e.g., Buzawa and Buzawa, 1996; Dobash
and Dobash, 1979; Field and Field, 1973; Walker, 1979). In addition, domestic violence victims were denied free representation under the law. For example, as recently as thirty years ago, Victims in some jurisdictions were required to pay prosecutors a fee to prosecute their batterer (Zorza & Woods, 1994).

Whatever criticisms of the criminal justice system remain, and despite significant differences in policy by state, it is clear that the national trend has shifted in the past twenty to thirty years. Beginning in the mid-1970s, a general shift toward stricter punishments for crime in our society coupled with pressure from battered women's advocates led to a stronger response to domestic violence (Gelles, 1993). In addition, research conducted at this time reinforced battered women's advocates' criticisms of various aspects of the criminal justice system. For example, one early study of police ineffectiveness indicated that in eighty percent of domestic homicides, police had been called to the home at least once. In fifty percent, they had been called more than five times prior to the homicide (Police Foundation, 1977). These data demonstrated that calls to the police had little or no impact on eliminating woman battering. The battered women's movement followed this finding with numerous lawsuits resulting in legislative changes. Two such lawsuits, the 1976 Bruno v. Codd (NY) and Scott v. Hart (CA) class action suits charged police departments with failure to protect. Both cases were settled out of court, but they established the responsibility of police to provide protection to battered women (Price and Sokoloff, 1995). Pressure created by these civil suits and grass-roots activism resulted in state-by-state changes in legislation that shifted the burden of evidence required for
officers to make arrests. Whereas police were once forced to witness an incident
to justify an arrest, such legislative changes expanded police power to arrest in
domestic violence misdemeanor assault cases without personally witnessing the
assault (Lerman and Livingston, 1983).

After 1980, three factors coalesced to pressure police departments to
treat domestic violence as a crime. These were: (a) federal pressure via the U.S.
Attorney General's Office and National Institute of Justice (NIJ), (b) social
science research, and (c) a major civil liability suit (Thurman v. Torrington,
1984). In the following discussion, each factor will be elaborated to illustrate the
dramatic changes in domestic violence law which continued throughout the
1980s.

When the U.S. Attorney General's Task Force on Family Violence
published its report recommending that "family violence should be recognized
and responded to as a criminal activity" (Hart et al., 1984), Sherman and Berk
noted that their analysis of Minneapolis police provided evidence that arrest was
significantly more effective in deterring future violence in battering situations than
either separation or mediation (1984). In response to this study, the original
experiment is being replicated in six sites. The National Institute of Justice
funded six site replications at $541,000 to $682,000 a piece. In addition to social
science research and attention paid to domestic violence by the National
Institute of Justice and the U.S. Attorney General's office, a lawsuit filed by Tracy
Thurman provided a significant enough blow to local police department that
domestic violence policies were forever changed (Price and Sokoloff, 1995).
In 1985, Tracy Thurman won a settlement of $1.9 million from the City of Torrington, Connecticut. Her lawsuit was the first of its kind to charge a local police department with negligence for failing to protect a domestic violence victim when she was assaulted and permanently disabled by her husband in the presence of police officers. Thurman's large settlement caused insurance companies to request police departments to revamp their arrest policies for domestic violence. These political, academic, and financial pressures to alter police practices led to changes in training, policies, and legislation throughout the country. By the end of 1985, forty-seven cities with populations over 100,000 had police policies of mandatory or presumptive arrests for "family disputes and six states had laws that required an arrest under certain circumstances (Crime Control Institute, 1986).

By 1988, 90% of urban police agencies had policies encouraging or mandating arrest in cases of domestic violence (Sherman, 1992). At the same time that mandatory arrest policies were proliferating, aggressive prosecution policies were also becoming popular (Hanna, 1996; Schmidt and Sherman, 1993). For example, no-drop prosecution policies are a prime example of aggressive actions taken against batterers on the part of local prosecutor's offices. These policies, which hold that once charges are initiated against a batterer they cannot be recanted, took the prosecutorial responsibility away from the victim and placed sole jurisdiction in the hands of the criminal justice system. According to Rebovich, 66% of our nation's prosecutor's offices had adopted such policies by 1996 (1996). Having highlighted some of the radical changes
the criminal justice system has undergone concerning its domestic violence policies, we will now discuss the crucial role sociologists had in critiquing these policies forever changing the way domestic violence was viewed in both the legal system and in society in general.

As noted earlier, research from the 1980s to the present has had an enormous impact on social preconceptions of domestic violence and its’ treatment in formal legal and social service agencies. In the early stages of domestic violence research, women who were abused by their significant others were portrayed as victims. This portrayal allowed domestic violence victims a place within research focusing on victims within the criminal justice system. This association with “regular” crime victims allowed these theorists to reaffirm their assertion that domestic violence victims are not unlike other crime victims.

Having said this, we now turn to examine some of the dominant arguments made at this time on the part of sociologists attempting to explain the phenomena of domestic violence. In doing so, it will become evident that although the earliest theories which questioned female domestic violence victims motives for remaining in abusive relationships identified these women as victims of their societal oppression, more recent research has focused on the efforts these women make in surviving on a daily basis.

Lenore Walker, author of three books and many articles on battered women, is also one of the pioneering forensic psychologists in the field of domestic violence research. By 1986, she had introduced expert testimony on battered woman syndrome in sixty-five cases in which battered women had
killed or injured their abusers. In Walker's first book, her definition of "battered woman" emphasized the batterer's control of the woman: "A battered woman is a woman who is repeatedly subjected to any forceful physical or psychological behavior by a man in order to coerce her to do something he wants her to do without any concern for her rights" (1979).

Not only did Walker conceptualize the notion of a battered woman, but she developed the "battered woman's syndrome," as well (1979). As articulated by Lenore Walker, the syndrome is characterized by a cyclical pattern of psychological and physical abuse which can be broken down into three phases. The first phase is marked by minor battering incidents, when tension builds and the woman exhibits complacent behavior to appease the batterer. The second phase is marked by an acute battering incident, when the woman feels completely isolated and helpless. The third phase is marked by a period of conciliation (the "honeymoon period"), when the batterer expresses his remorse and the woman is forgiving and understanding. Battered woman syndrome theory rests on the notion that a battered woman may suffer from "learned helplessness," whereby the psychological pressures of living in a constant state of fear limit her responses to coping with each individual attack rather than focusing on a way to escape her circumstances. She continues with an explanation of "learned helplessness": once the women are operating from a belief of helplessness, the perception becomes reality and they become passive, submissive, "helpless." They allow things that appear to them to be out of their control actually to get out of their control. When one listens to descriptions of
battering incidents from battered women, it often seems as if these women were not actually as helpless as they perceived themselves to be. However, their behavior was determined by their negative cognitive set, or their perceptions of what they could or could not do, not by what actually existed" (1979).

The portrayal of domestic violence victims by Walker laid the foundation for the dominant view of victims at this time: as poor souls trapped in a helpless existence. In response, many theorists began to develop theories which attempted to identify the active help seeking strategies of battered women. For instance, Lenore Walker later wrote that battered women can be quite successful at keeping their batterers from acting out abusively by providing a comfortable and smooth external environment for him. Such techniques include keeping the house clean, the kids quiet, the neighbors and friends away, the family in line, and protecting the batterer from any external pressures. In addition, battered women often minimize and deny the violence to themselves, their children, their families, their lawyers, or anyone else who may question the relationship. Denial and minimization are psychological defense mechanisms battered women adopted in order to lessen the anxiety caused by perceived threats (Sonkin, Martin and Walker, 1985). Barnett and LaViolette concurred, arguing that "denial is often used to cope with the emotional aftermath of a violent episode and to avoid the cognitive dissonance associated with staying in the relationship" (1993). Dutton (1992) further explained that if they deny the batterer's violent side, survivors can deny that they are in danger, as well as deny their partners either intended to or actually did harm to them.
Splitting of mind and body is yet another dissociative state which protects battered women from feeling the full impact of physical and psychological pain. Barnett and LaViolette noted that “many battered women describe mild hypnotic-like trances which function to anesthetize the abuse victim from pain” (1993). Although they noted that the ability to experience such altered states of consciousness sometimes frightens battered women, they become able to withstand greater levels of pain and survive more beatings (Sonkin, Martin, and Walker, 1985). In addition to the development of coping strategies as dissociative states, theorists such as Jones and Schecter (1992) argued that battered women who cannot leave their abusers end up leaving in another sense. They withdraw emotionally, retreating into an internal space as a refuge from verbal abuse, threats, and physical assaults. While previous theorists cited psychological means in which survivors cope with violence, later theorists began to adopt new theories which illustrate survivors' active efforts to escape violence. For instance, according to Gondolf (1988), battered women attempt to obtain help through friends, family, the legal system, the community and helping professionals, usually in an active and energized way. Battered women in his study averaged six help-seeking behaviors before they entered a shelter for protection. The women finally left their abusers when it was clear to them that their partners’ battering behavior would not change or the danger of remaining was too great.

Hoff (1990) also contends that battered women increase their help seeking in the face of increased violence, and that women will make social,
community, and legal contracts in proportion to the realization that they and their children are more and more in danger. Their effort to survive transcends fear, danger, depression or guilt, and economic problems (Gondolf, 1988).

Dutton asserts that battered women's personal strengths and inner resources are important factors in how they respond to violence and abuse. Any strengths and inner resources they may have will aid in their survival in situations where life and psychological well-being may have been continually threatened (Dutton, 1992). Some strengths observed in battered women include confidence in the ability to find a solution to the problem of living with an abusive partner, belief they can live violence-free, determination to accomplish personal goals, knowledge about abuse and its effects, endurance in seeking solutions, effective living skills (i.e., parenting, time-management, occupational, social/interpersonal). Through tapping personal strengths and inner resources, many women, when battered, are able to act in ways that lead to escape, avoidance and protection from further abuse. In short, no longer solely focused on the psychology of battered women, theorists began to note their active attempts to free themselves from violence. For instance, Bowker argues that Lenore Walker's "battered woman's syndrome" focuses on the woman in a violent relationship rather than the man or the battering process, thereby creating a tendency to see the woman as the problem (1983). As discussed earlier, the radical changes made to domestic violence failed to produce significantly greater cooperation with prosecutors on the part of victims.
A victims' reluctance to cooperate with the prosecution of batterers is important to understand for at least two reasons. First, victims who do not wish to cooperate can make successful prosecution difficult or impossible, especially in cases where there is little physical evidence of the assault. Second, if we believe that responding to victims' needs is a vital component of an effective response to domestic violence, we must understand why victims who come to a system for assistance attempt to drop out of that system (Tolman & Weisz, 1995). Gondolf concurs, noting that the "shopworn question, why didn't she leave?" persists in the cases, legal scholarship, and social science literature (1988). "It reveals several assumptions about separation: that the right solution is separation, that it is the woman's responsibility to achieve separation, and that she should have separated." However, he notes that if we ask the woman, "what did you do?" the answer very often turns out to be "I sought help" (1988).

Edward Gondolf, who studied women's helpseeking behavior that women responded to abuse by seeking help from both formal and informal resources. The more apparent it became that the batterer would not change, or the worse the abuse became, the greater diversity the women showed in their efforts to find help (1988).

The work of researchers like as Lenore Walker brought the issue of domestic violence to the foreground of societal issues. In doing so, laws were codified and punishments were set in place. However, the number of domestic violence incidents continued to plague the nation's police departments and courtrooms. As a result, researchers and officials alike began to reevaluate their
game plans and ask what had gone awry. The resulting literature had a profound impact on domestic violence laws utilized in our nation's courtrooms today. Having said this, an investigation into the continued evolution of domestic violence theory is now necessary in order to gain a clear understanding of possible explanations for "the failure" of the criminal justice system to prosecute batterers with the support of female domestic violence victims. Researchers attempted to make sense of the apparent irrational actions of female domestic violence victims. For example, Dobash and Dobash, in the development of the negotiation thesis, argued that women, rather than remaining completely passive and helpless, actually seek assistance from others in their immediate circle (1998). More specifically, they argue that relatives, especially mothers and sisters, are the "first to be contacted in the process of seeking help in order to discuss the violence, attempt to discern its meaning, and to try to effect a change in the man's behavior." They further argue that far from helplessly remaining with violent men, women engage in an active process they define as 'staying, leaving and returning'. Within this cycle, Dobash and Dobash envision help seeking not as a dichotomous resolution in which she either "stays or leaves," but as an evolving process. Therefore, in their article, they shift their focus from a dichotomous outcome to an on-going process in which women gather resources and weigh their options. Utilizing this perspective, Dobash and Dobash no longer define "leaving" as a permanent outcome. By contrast, they include a plethora of options ranging from a night at a friend's home to an extended stay in a local shelter. All and all, they note that the onset of this
process may not be to end the relationship, but to reestablish it on a non-violent basis (1996).

In addition to their own mental anguish, Dobash and Dobash cite various outside pressures for returning to the relationship. These include, but are not limited to promise of reform by the batterer, concern for their family's welfare, emotional and material investment in the relationship, lack of financial support, fear of violent repercussions, and the social ideal of an intact family. If the relationship endures and women decide or are forced to stay, they do not stop trying to change the situation. On the contrary, they usually maintain contact with relatives and friends and often expand their support system to include more formal sources of help, such as legal, medical and social agencies, “persistently trying to effect a change in the man's behaviour” (1996, pg 74). They continue:

"Throughout this process that might be referred to 'negotiating for a non-violent relationship', women are active, seeking the involvement of a variety of individuals and agencies, and trying numerous tactics. As the process continues, women begin to change their requests. Instead of seeking help in 'negotiating a non-violent relationship', they seek assistance in 'ending a violent relationship'. Research demonstrates that when women seek help, they often do so in a tentative and ambivalent manner, filtered through shame, self-blame, a sense of failure, concerns about exposing the private problems of their families, fear associated with men's threats if contact is made and concern about the nature of the response they might receive" (Dobash and Dobash, 1996).
In addition, some social scientists have criticized the assumption that the woman has a responsibility to—on her own—successfully accomplish a separation in her family on her first attempt to do so. This assumption ignores the woman's substantial ties to her current family structures. Participation by the batterer in a counseling program is a very significant factor in predicting a woman will end a separation, since his participation tends to increase her hope for safe return (Walker, 1979).

Still other theorists have noted that battered women increase their help-seeking during times of increased violence, rather than decrease help-seeking as the theory of learned helplessness suggests (Hoff, 1990, Ford 1991). This theory contends that help-seeking usually increases as wife abuse, child abuse and the batterer's antisocial behavior (substance abuse, violence, arrests) increase. This help-seeking may be reconcile by community or private resources available to the woman, her commitment to the relationship, the number of children she has, and the type of abuse she may have experienced as a child (Gondolf, 1988). For example, Hoff (1990) points out that women seek assistance in proportion to realizing that they and their children are more and more in danger. Battered women are attempting to ensure themselves and their children protection and survival. Having traced the portrayal of domestic violence as a problem and the evolution of subsequent sociological theory, we now turn to discuss the impact feminist theory had on these legal changes for domestic violence. In doing so, we will begin our investigation with a review of liberal feminism's influence on early domestic violence theory and law.
The Liberal Feminist Approach

Liberal feminists point to the exclusion of equal rights such as education and inheritance laws as one example of the means by which women have been systematically excluded from the public sphere. In this discussion, I will review the literature in which liberal feminists argue that such exclusions kept women prisoners of the private sphere with lacking rights under the law, and more specifically, protection from the criminal justice system.

Women once played an important role in European community justice. For example, in eighteenth-century Europe, they organized and participated in popular dissent against social injustice, and the exploitative activities of traders and retailers (Daniels, 1997). However, liberal feminists persist that with the emergence of bureaucratic justice in the nineteenth century, women were increasingly excluded from the processes of justice. In order to strengthen their case, theorists such as Catherine MacKinnon review the criminal justice system from its infancy in eighteenth century Britain and the United States (1989). During this time, MacKinnon notes that laws were codified and new courts were created while the powers of existing methods were strengthened, and police and penal systems were developed (1989). Liberal feminists argue that with these developments, the mechanisms of contemporary criminal justice were firmly established. Women played only a minor role in this process: primarily working outside of the criminal justice system as critics or moral adjuncts. Operating outside the formal mechanisms of 'justice' meant that the concerns and protests
of such women were often ignored or rejected. Such theorists (MacKinnon, 1989; Smart, 1989; Gilligan, 1982) argue that women's perceptions and concerns thus played only a minor role in shaping the new legal codes, police procedures and penal reactions.

Early liberal feminist thinkers such as John Stuart Mill (1862) and Mary Wollstonecraft (1792) argued that the prerogatives of men and the subjugation of women were firmly enshrined in this new system of justice. They cited such examples as the inability of married women to enter into contracts, their lack of legal rights to property after marriage or claims to their children, and exclusion from professions and trades throughout the United States and Britain. Liberal feminists argued that not only were women given few rights outside the home, but they were treated as dependents within the home as well. Statutes pertaining to married women made them dependents, subject to patriarchal control within the home and community. The rights and privileges of husbands were supreme. In turn, husbands were legally entrusted with the responsibility to protect and support their wives and children. Liberal feminist theorists argue that whether the law granted men supreme control of paternalistic protection, the outcome was the same: male domination was enshrined in the legal structures of the two countries.

According to liberal theorists, within this context it is not surprising that the problem of violence against women in the home was considered of no particular importance in the usual course of the application of 'justice'. Indeed, it was nearly impossible under such a system to contemplate the possibility of
rape in marriage. Occasionally, judges would hand out harsh punishments to men who severely assaulted their wives, but this was unlikely in societies where male dominance was applauded and male violence ignored or condoned. For instance, in the late eighteenth century, Blackstone, the most influential English legal authority of the time, reaffirmed the rights of moderate chastisement in his commentary on English common law:

The husband also (by the old law) might give his wife moderate correction. For, as he is to answer for her misbehavior, the law thought it reasonable to entrust him with this power of restraining her by domestic chastisement, in the same moderation that a man is allowed to correct his apprentices or children. As one can see, within limits, wife beating was permitted. The "rule of thumb" in English common law refers to the husband's traditional right to hit his wife with a stick no thicker than his thumb. (Blackstone, 1968 pg 112).

Noting these injustices, liberal theorists argued for women's inclusion under the law and thus, their consequential inclusion in the public sphere. In so doing, they asserted that the inclusion of women into the public sphere through their equal education and rights under the law would finally allow them means to compete with men in the public world. For example, Mary Wollstonecraft argued that women are just as rational as men and have lacked the capacity to engage actively in political processes purely because they have been denied opportunities to develop their intellectual faculties (1792).
The work of Wollstoncraft and other Enlightenment feminists such as Mill, Taylor, Grimke, Anthony, Truth, and Wright influenced the writings of abolitionists and suffragists in the United States and Britain in the mid-nineteenth century. The liberal faith in reason and the natural and inalienable rights of man to life, liberty and the pursuit of happiness that had informed the Declaration of Independence (1776), were sentiments shared by nineteenth century feminists who wanted the rights of women formally inserted into civil processes. The most dramatic early attempt to apply the natural rights doctrine to women is the Declaration of Sentiments, drafted primarily by Elizabeth Cady Stanton and issued July 19-20, 1848, in Seneca Falls, New York. (Donovan, 5) This nearly verbatim transcription of the Declaration of Independence “takes on new meaning when applied to women, for women did not consent in their government. That they did not was held to constitute a violation of natural rights, which to be remedied would require that women have a voice in public affairs hitherto denied to them: it implied the right to suffrage, the right to serve in government and the right to proper training to enable such service.” (Donovan, 1997).

Mary Wollstonecraft argued that a real education—that is, the same education as is provided to a man—would allow a woman to assume responsibility for her own development and growth (1792). She cautions, however, that unless society also provides the equally educated woman with the same civil liberties and economic opportunities a man has, she will be able to exercise her hard won autonomy only within the private, or domestic, realm.
These central liberal feminist tenets influenced a legal focus on domestic violence in the twentieth century. Tong argues that, unlike their nineteenth-century and first wave predecessors who tended to argue along classical liberal lines of noninterference by government, more recent liberal feminists lean toward the welfare or egalitarian model of liberalism (Tong, 1989), promoting welfare (Nes and ladiloca, 1989). Such feminists demand that the state pursue social reforms that will ensure equal opportunities for women. They argue that to enforce equal rights, the state must make it economically possible for women to exercise those rights by funding crisis counseling services, shelters for battered women, services for incest survivors, and rape counseling. These services are now described as rights under the welfare state, and public funding is sought to provide them. This is clearly beyond the scope of the classical or libertarian liberalism supported by more conservative feminists who continue to argue for sex-blind equality (Jaggar, 1983).

In short, liberal feminists believed that if women were educated and given equal rights as men, they would be deemed equal in society as a whole. In terms of domestic violence theory, liberal feminist theorists believed that if domestic violence was made illegal, women would be able to escape intimate partner violence, be protected by the law, and know that they did not have to stand for sole patriarchal domination.

However, as history has shown us, making domestic violence illegal has not ended its existence. Contrary to traditional liberal feminist thought, women are not necessarily empowered by the law and able to escape violence within
the home. For example, during the second wave when liberal feminist thought dominated domestic violence policy, the incidence of domestic violence rose to record heights (Bureau of Justice Statistics, 1999).

As a result, later theorists (Dobash and Dobash, 1998; Buzawa and Buzawa, 1996; Ford 1983) began to identify continued discriminations and obstacles faced by female victims of domestic violence when attempting to utilize the formal system. This will become increasingly evident as we continue our discussion with the impact of radical feminist thought on domestic violence theory in the United States.

The Radical Feminist Approach

In response to the apparent failure of liberal feminists to protect women from domestic violence, radical feminist thought prepared to dominate 1980's political reform. In order to gain a clear understanding of the evolution of domestic violence political thought, we will first discuss the main assumptions of the radical feminist movement in general. In doing so, we will then be able to clearly delineate the impact of radical feminism on the domestic violence movement.

Twentieth-century radical feminist theory is based on several fundamental ideas: (1) the personal is political; (2) women are an oppressed class and patriarchy is at the root of their oppression; (3) patriarchy is based in psychological and biological factors and enforced through violence against women; (4) women and men are fundamentally different; (5) society must be
completely altered to eliminate male supremacy—incremental change is insufficient; incremental change is inefficient; and (6) all hierarchies must be eliminated.

In contrast to liberal feminists' insistence on the similarity between women and men, radical feminists focus on the differences between them. Women and men are thought to conceptualize power differently; for example, while men seek to dominate and control others, women are more interested in sharing power and in nurturing. (Gilligan, 1982).

The acknowledgement of fundamental differences between women and men served as a point of contention for some radical feminists. For instance, women of color and lesbians challenged liberal feminism's dichotomy between male and female, arguing that such categorization by gender ignores differences at work between sexual orientation, class, and race difference. For example, bell hooks challenged the dominant assumption of shared oppression based solely on gender at this time. Criticizing the notion that women are essentially similar to each other or essentially different from men, she cautioned black women to avoid accommodating themselves to white women's vision of radicalism (hooks, 1981). hooks insisted that radical feminism must acknowledge that all men do not benefit equally from patriarchal structures. She argued that while black women need to develop a radical analysis that is specifically feminist, adding black women's issues to already-existing formulations of white women's oppression is insufficient. Just as later sociologists and feminists would argue that an "add women and stir" approach to the legal system is insufficient to
women, bell hooks (1984) argued that black women have dynamically different lives than their white counterparts. In response, she asserts that feminists must acknowledge these key differences. Patricia Hill Collins (1990) concurred, adding a matrix of domination. Having noted the main tenets and goals of the radical feminist movement, we now turn to discuss radical feminism’s role in the evolution of domestic violence policy. In doing so, we will then continue on to discuss Marxist feminist, standpoint feminist, and postmodern feminist work in feminist jurisprudence to outline the evolution of feminist thought concerning domestic violence.

Driven by their place in the 1980’s rape movement, radical feminists came on the scene ready to espouse more aggressive ideas and propose changes which would radically alter the status quo. Frustrated with liberal feminism’s failure to impact criminal justice policy through minute foundational changes, radical feminists argued that patriarchy and therefore, male domination, were at the root causes for the continued prevalence of rape and domestic violence. In addition, they adopted Wollstonecraft’s idea that the personal is political while arguing that domestic violence is not an individual problem in which education of women and legal rights will end domestic violence. This idea is articulated in Roxanne Dunbar’s “Female Liberation as a Basis for Social Revolution” (1968). Dunbar urged women not to work in mixed groups like SDS (Students for a Democratic Society), but to form an independent women’s movement. “Women’s grievances, she contends, are not “petty or personal, but constitute a widespread, deeply rooted social disease (1968, pg 39).
In order for female equality to occur, radical feminists believed that a complete overhaul of society must be achieved, in which patriarchy is no longer the sole form of operation, with women no longer confined to the private sphere. Therefore, radical feminists believed that women will not be free from domestic violence until male domination is eradicated. Believing that women have "the consciousness of the oppressed," Dunbar (1968) argues that such humane traits must serve as the moral basis for a new society. Furthermore, radical feminists argue that battering, and violence against women in general, takes place within a culture that supports such behavior. Pervasive abuse is reflected in media images of sexually vulnerable females and in everyday social life, with its repertoire of jokes about nagging wives inviting their just desserts. In the fantasies displayed in pornography, for example, the tenor can shift abruptly from good-natured intimidation of women to hate-filled sexual attack. (MacKinnon, 1979; Millet, 1971; Brownmiller, 1975).

In addition to strengthening laws on violence against women, radical theorists began to point out "discriminations" against women occurring within the criminal justice system. Radical feminists began noting social norms upheld in the courtroom and in the police field. For example, theorists adopting a radical feminist ideology noted a dominant assumption of a women's societal place through criticisms of victim's dress and actions during rape trials on the part of police and court officials (Brownmiller, 1975). Inquiring into a woman's dress, "flirting" habits, and/or past sexual history, they argued, merely served to uphold social norms of "the cult of true womanhood." In doing so, radical feminist
theorists argued that women were not only remaining unprotected by the law, but were systematically revictimized by the system mandated to protect them (MacKinnon, 1979; Millet, 1971; Brownmiller, 1975).

In terms of domestic violence, studies were also conducted which identified the occurrence of police officer’s judgment of “valid” domestic violence complaints based on preconceptions of a woman’s place in society. In doing so, researchers argued that regardless of their legal rights, women were protected based on officers’ preconceived notions of familial norms.

As exemplified throughout this discussion, the radical feminist movement of the 1970s introduced the issue of wife battering into public consciousness, fundamentally challenging the social structures, norms, and practices that had created and maintained violence by men against women. Radical feminist analyses of women’s oppression set the social and political groundwork for the redefinition of painful, private experiences as social. Grounded in a radical feminist perspective, rape crisis centers viewed violence by men against women as an integral part of women’s oppression and a mode of domination rooted in unequal gender relations. Shelters reclaimed the homes as a place of action, reconstituting it as a political space. Feminist principles such as collectivity, consciousness-raising, the primacy of women’s experience, and respect for women’s strength, resilience, and power guided the work of shelters and related support services. Utilizing a woman-helping-women self-help approach, staff and volunteers acted as educators and organizers, providing abused women with practical assistance, information, peer support, and a political understanding of
men's violence. Consciousness-raising about patriarchal social arrangements challenged women's self-blame and guilt, helping them make sense of their experiences, overcome isolation, and transform powerlessness into strength and anger.

According to Gilliam Walker (1990), consciousness-raising also served as a method of building a political movement to challenge women's social subordination and alter the social and material conditions that denied women power and control over their lives. Women's everyday experiences became the starting point for analysis and action and the ground from which to challenge "privatized patriarchal authority," or the notion that a man's home is his castle (Currie, 1990).

In short, as radical feminists identified woman abuse as a matter requiring redress, the women's movement took up the issue, placing it on the political agenda of the state. The movement demanded that the federal government and society as a whole share responsibility for eliminating wife battering. As a result, the federal government began its involvement with the issue in the late 1970s (MacLeod, 1987; Walker, 1990). By the early 1980s, the women's movement had succeeded in locating the issue of woman abuse in the public sphere of action.

Feminist demands such as state funding for shelters, legal protection for abused women, and the criminalization of wife assault brought feminists into a struggle with the state, professionals, social services, and legal advocacy groups to define the issue and propose strategies to address it. In addition to their place
in the location of domestic violence as a political issue, radical feminists were instrumental in the redefinition of wife battering as "violence."

Dawn Currie (1990) frames this knowledge/power struggle as one in which feminist discourse and practice has been transformed from 'a critique of patriarchal power to demands for protection from male power." The view of wife battering as "violence" enabled woman abuse to be reformulated as "wife assault." The efforts of both activists and professionals converged, resulting in the redefining of wife battering as criminal assault. Wife battering, reconceived as wife assault, was still tenuously linked to the radical feminist framework of male violence against women and to the political mobilizing intent of the feminist movement. However, once conceptualized as assault, feminist efforts to treat wife battering as a crime were more easily absorbed into the family violence discourse. Its reformulation as wife assault, according to Findlay, "induced feminists into working with state institutions responsible for criminal justice and law and order, turning "women's need for protection into campaigns for law and order" (Findlay, 1988).

As Gilliam Walker points out, a framework which defines men's violence toward female partners as "assault" presents these violent actions as an infringement of women's individual rights under the law. Furthermore, it suggests that male violence is the result of socialization into violent roles. Once wife battering was understood as a problem of "uncontrolled and unmitigated violence" (Walker, 1990), the law's tentacles reached into the family, situating abused women as "victims" of assault. Male violence, perceived as either
pathology or faulty gender socialization, encouraged clinical and legal initiatives focusing on “helping the ‘violent family’ handle ‘its’ violence” (1990). In doing so, women who were abused thus became “victims”, whereas men who batter were defined as “criminal” (Walker, 1995).

Consequently, even though feminist shelters and organizations have struggled against this apolitical understanding of woman abuse, the needs of abused women were often redefined and recast as individual, psychological problems requiring individual intervention (Fraser, 1989). This is evident in such early theorist’s work as Leonore Walker, who pushed for “help” for victims via therapeutic interventions (1979). As will be criticized by future theorists, such an individualized service approach caused abused women to become clients while solutions to “woman abuse” were framed as therapeutic interventions designed to meet women’s individual psychological needs for counseling and support (Ford, 1983; Dobash and Dobash, 1998; Buzawa and Buzawa, 1996). Thus, later feminists argued that such approaches redefined abused women as “individual ‘cases’ rather than members of social groups or participants in social movements. Fraser argues that as needs are reorganized into “cases,” the class, race, and gender specificity of individual women’s needs are erased, as well as “any oppositional meanings that these needs may have in the context of social movements” (Fraser, pg 67).

This acknowledgement of a unique female experience serves as the focus for the following discussion: the impact of Marxist and later, Standpoint feminism on domestic violence theory.
The Marxist Feminist Approach

Early in the shelter movement women were viewed as capable and resilient actors, requiring peer support and practical assistance. With the resurgence of apolitical frameworks for addressing woman abuse, survivors have long ceased to be equal participants in the struggle against woman abuse. As Gillian Walker (1990) attests, as social service recipients, abused women had little real participation in defining and responding to an issue that paradoxically most affected them. The dynamics of this exclusion will now become apparent through a discussion of Marxist feminist notion of a public/private sphere dichotomy within American society.

First and foremost, Marx believed that social inequality is rooted in class. In so doing, he defined two central classes in the capitalist system: the bourgeoisie and the proletariat. Those residing in the bourgeoisie class are defined as the owners of the means of production and the employers of wage-labor, while the proletariat are those who own no means of production and live by selling their wage-labour" (Donovan, 1997).

The relevance of these ideas to feminist theory is readily apparent. Donovan notes that Marxist feminists have generally assumed (without always stating) an analogy between women and the proletariat, and have urged that women need to develop a consciousness akin to their own oppressed condition, in the process shedding "false consciousness," or "male-identified" ideologies that serve male, ruling-group interests (Donovan, 1997).
To reinforce this claim, she notes that Frederick Engels first made the connection between wife and proletariat in 1884: "He is the bourgeoisie and the wife represents the proletariat" (pg 111).

In *The German Ideology* and later in *Capital* (1867) Marx roots the division of labor in what he calls the "natural division of labour in the family" (Mark, 1867 p168). In *Capital* he specifies again that one of the primary divisions of labor occurs in the family: "within a family... there springs up naturally a division of labour, caused by differences of sex and age, a division that is consequently based on a purely physiological foundation" (1997). In *The German Ideology* Marx had argued that this family division created the first form of ownership of one person by another; he saw the enslavement of the wife and children by the husband as the first form of private property.

The second major aspect of Marx's theory is his analysis of modern industrial capitalism. Of particular relevance here are his concept of alienation, elaborations of the idea of praxis, and theories of value determination. The concept of alienation is central to Marx's overall theory. Alienation generally refers to the modern experience of being cut off from oneself, from others, and from a sense of meaning. Influential to Marxist feminism, Marx argues that the division of labor, or the allocation of certain groups to certain tasks is fundamentally alienating. "For as soon as the distribution of labor comes into being, each man has a particular, exclusive sphere of activity, which is forced upon him and from which he cannot escape" (Marx 1867, p 169). For example, Marxist feminists look to Engel's argument that with the development of the
nuclear family came the privatization and the denigration of household labor. "Household management lost its public character... It became a private service; the wife became the head servant, excluded from all participation in social production" (In Donovan, 1997). He further argues that "The modern individual family is founded on the open or concealed domestic slavery of the wife, and modern society is a mass composed of these individual families as its molecules....it remains "the economic unit of society" (Engels, 1884 p149).

Engels' solution to the problems of women's oppression is to urge that women fully enter the public work force, thus, eliminating their confinement to "private, domestic labor," which would be changed "into a public industry" (Engels, 1884 p148). Engels thus urged "the abolition of the monogamous family as the economic unit of society"—a position he and Marx had, of course, espoused most passionately in the Communist Manifesto (1997).

Not only have feminists adapted Marxist theory to the issue of women in society, but they have utilized Marxist thought to explain social phenomena such as domestic violence as well. For example, as previously noted, an early feminist solution to women's isolation within the public sphere followed Engel's suggestion that women enter the public work force, thereby eliminating their slave status within society. However, as most analysts point out, far from being liberated by their entrance into the public work force, as Engels had predicted, women have found themselves consigned to double duty: work for wages in the public sphere but continued unpaid domestic labor in the private sphere. Such theorists commonly cite the extreme differential men's and women's wages as

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confirmation to their double duty assertion. However, most theorists agree that traditional Marxist distinctions between the bourgeoisie and the proletariat do not work when applied to women, because women have a dual class status. For example, they may be identified in terms of the class status of the man on whom they depend financially, but they may also be defined in terms of their own wage status if they work in the public sphere. In short, Marxist feminists argue that "women are caught in a catch 22": For instance, women who are isolated within the private sphere have no status within American society. Their isolation to the unpaid labor force leaves them with no economic means of support, little or no credit to access and lacking job skills and/or experience. However, such problems are not merely a reflection of homemakers. As noted earlier, Marxist feminists also argue that women's dual class status prohibits their economic success within American society due to their identification as the primary caregivers to children. They note, then, that time lost in the public sphere for maternity leave and to care for ill children inhibits their economic success in the public sphere. This partial or complete loss of economic stability leaves battered women with no means of escape.

In addition to their adaptation of Marxist class theory to feminism and domestic violence, Marxist theorists utilized the Marxist notion of praxis. Marx argued that through class consciousness, groups may learn to become aware of their oppressed conditions, thus shedding "false consciousness," enabling them to see the world from the perspective of their own true class interests and not from the viewpoint of the oppressor class (Donovan, 1997). Marxist feminists
argued that praxis via advocacy and policy change would allow the oppressed (battered women) to see their own oppression and react using increased formal action against their abusers.

While consciousness raising is one form of praxis envisioned by feminists, Marxist feminists also envision praxis as a building of alternative institutions. For example, this has been achieved within the battered women's movement through the establishment of rape crisis and wife-abuse centers and changes in personal relationships—all are contributing to the growth of an alternative women's culture. Such a culture, according to Marxist feminists, may be seen as a "form of nonviolent revolutionary action and resistance, a form of praxis" (Donovan, 1997).

Just as radical feminists argued for female-centered social change, Marxist feminists highlighted the common economic struggles which exist amongst women. This female centeredness begins to lose importance in the next perspectives which will be discussed: standpoint feminism, feminist jurisprudence, and postmodern feminisms. These perspectives mark the beginning of the emergence of third wave feminism, which highlights the differences which exist amongst women. While standpoint feminists originally argued for a female centered approach to social institutions, feminist jurisprudence theorists and postmodernist feminists began to argue that the differences amongst women need to be highlighted in order to truly represent our diverse population.
The Standpoint Feminist Approach

Just as Marxist feminists assert that social change must occur in order for women to gain status in American society, standpoint feminists strive for social change as well. However, they argue that women's culture, women's experience and practice, can provide the basis for a feminist opposition to destructive patriarchal ideologies. Nancy Hartsock, in particular, has developed this thesis in two works published in 1983. She argues for the formulation of a "feminist standpoint," which will enable us to "better understand both why patriarchal institutions and ideologies take such perverse and deadly forms and how both theory and practice can be redirected in more liberatory directions." "Feminist standpoint," she argues, must be "rooted in an understanding of 'women's perspective,' which itself requires the articulation of an epistemology that grows from women's life-activity" (Money, 152). Drawing on the radical feminist notion of difference between the sexes, standpoint feminists argued that women's life activity is very different from men's activity. Josephine Donovan explains that since "the position of women is structurally different from that of men," the lived realities of women's lives are profoundly different from those of men" (Donovan, 1997).

Dorothy Smith elaborates on Nancy Hartsock's definition of a feminist standpoint through her assertion that a woman's standpoint is special: she is able to see society from two distinct positions. For example, in "Knowing Society from Within: A Woman's Standpoint," Dorothy Smith illustrates her theory through her discussion of the female sociologist. According to Smith, the female
sociologist's experience as an excluded member of society allows her to see a given social situation from the viewpoint of the sociologist as well as an excluded member. The acknowledgement of a contradictory viewpoint under the law is a dramatic turning point in legal theory and thus, domestic violence thought. This idea will serve as the foundation for the development of feminist jurisprudence theory and it's central tenet that women experience social institutions very differently than their male counterparts.

A New Feminist Jurisprudence

Through their utilization of a standpoint feminist perspective, Hartsock and Smith hold that women are distinctively different than men. This idea serves as the basis for our investigation of one strain of feminist jurisprudence theory. While some feminist activists (MacKinnon, 1979) and scholars have argued that it is impossible to use the law and legal apparatus to confront patriarchal domination and oppression when the language and procedure of these social processes and institutions are saturated with patriarchal beliefs and structures, feminists who adopt a standpoint feminist perspective argue that women's justice should be based on an alternative moral discourse, thus leading to very different ways of dealing with such social evils as crime. Carol Gilligan's work serves as a prime example of this approach. In her writings, Gilligan has argued that women's sense of justice is expressed in a 'different voice'. She proposes that legal practice presents itself as gender-neutral, whereas it is, in fact, thoroughly male centered. Male 'justice' stresses abstract moral reasoning, autonomy and
impartiality. She asserts that a female sense of justice is expressed in a 'different voice' stressing attachment, affiliation, interdependence and contextual understanding of human behavior (Gilligan, 1982). Other commentators have urged that responses to crime should be based on '... a process of ongoing communication and involvement that considers the needs, interests and motivations of all involved.' (Gilligan, 1982). Therefore, they argue that justice follow principles which lead us to '... seek to forgive, reconcile and heal...' striving 'to find within ourselves outrageous love, the kind of love that extends even to those it is easiest to fear and hate....'

This argument serves as a central criticism of the current formal domestic violence system: the negative obstacles often outweigh the positive such as loss of income and social ridicule. Adopting this perspective, theorists argue for an altered from of justice which emphasizes ongoing communication and considers the needs and motivations of all involved (Gilligan, 1982). Such a perspective critiques the current formal domestic violence system which operates as a machine, taking control from the victim and ignoring her needs and desires.

In a more fundamental assault of justice and in the face of what they see as the futility of attempting to change it in order to serve the needs of women, a few feminist commentators (Smart, 1989) have proposed the near abandonment of the struggle around justice. Carol Smart has presented the strongest case for abandoning or radically reducing efforts to transform justice. Concentrating on the discourses of justice—the language, method and procedures of law—she argues, that feminists should not be too quick to turn to the law. Offering
apparent solutions it is, she argues, so saturated with masculinity that it can never be a solution to violence against women. Using the law simply traps feminists in its discourse, elevates legal functionaries and, in the end, concedes more power to the legal system." Feminist jurisprudence does not reduce or challenge the power of law, it merely gives greater legitimacy to law as a route to "truth and justice". For Smart, using law can also cause a backlash of hostility and is "therefore, hazardous". Smart (1989) argues that law bears 'no relationship to the concerns of women's lives', and feminists should concentrate on constructing alternative 'resistant discourses' through women's groups.

Having outlined the feminist jurisprudence perspective which adopts a standpoint feminist perspective, we now turn to discuss the other side of the coin: a feminist jurisprudence which does not argue that the law should be adapted to reflect women's lives, but argues for a complete overhaul of the current system altogether.

Feminist legal scholars, such as MacKinnon (1983) and Scales (1986), critique traditional andocentric jurisprudence for the exclusions created by adherence to liberal philosophy. West (1988) understands traditional liberal jurisprudence as rooted in masculine views of human nature that place individual autonomy first, prior to relationships and "cooperative arrangements with others." Entrenched in an understanding of individuals separate from others, liberal jurisprudence values separation and therefore freedom from others. Annihilation is an ever-present source of harm in the struggle for power over scarce resources: "Thus, according to liberal legalism, the subjective experience of
physical separation from the other determines both what we value (autonomy) and what we fear (annihilation)' (1988).

Such theorists argue that the male bias of U.S. jurisprudence produces a legal structure contradictory to women's needs. Andocentric jurisprudence that values autonomy and fears annihilation collides with the values of women who seek relationship and fear separation. The contradictions between an andocentric jurisprudence and a female-centered one can be demonstrated in the continuing conflict between seeking orders of protection (Ford and Regoli 1993). Judges, committed to traditional liberal legal theory, view the breach of individual rights to due process as justified only by the threat of annihilation and remedied by separation. For some battered women, fearing both invasion and loss of connection, the protection order may be seen as a mechanism with the potential to remove the violence by her partner. She may perceive the TPO as a technique for ensuring a violence-free marriage, continuing to live with her violent partner and holding the TPO as a 'guarantee' of protection should he violate his promises that “it will never happen again.” For judges, however, a woman's failure to separate from the relationship once a protection order is granted is a demonstration of her failure to respect the court and instigation to renewed battering" (1993). In light of this argument, feminist theorists who adopt this approach argue that current domestic violence laws do not reflect the thoughts and goals of the women it is commissioned to protect.

Ferraro and Pope identify these clashing viewpoints as "cultures of power." For instance, they argue that “two cultures come clashing together when
police respond to battering. One is the culture of power, in which decisions are based on rational choice and maximization of profit or benefits. In this culture, manifest in part through the legal system, it is possible to know 'the facts' and to determine probable cause, harm, fault, and a calculus of penalties" (Price and Sokoloff, 1995). If a 'crime' has been committed, the offender should be processed according to the rules, including the hearing of reliable testimony by victim-witnesses. If there lies reasonable doubt of guilt, sanctions equivalent to the degree of harm imposed should be filtered out. The "other" culture, according to Ferraro and Pope, reflects those images women have of marriage and family in contrast to the actual realities of living with an abusive partner (1995).

Concluding their argument, they assert that in the criminal justice system, it has been common to overlay the culture of power on strategies for helping women. It is assumed that this culture provides the resources required for escaping violent situations and to redistribute power to the disenfranchised. Too often, however, the imposition of the culture of power upon women's problems has not empowered women, but has crushed their self determination (see Davis, 1983; Musheno & Seeley, 1986). This culture of power is not a monolithic institution, but has many levels and is dispersed among agents, institutions, language, and the media (Dreyfus and Rabinow, 1983; Foucault, 1980). Individuals representing state power, such as police, social workers, physicians and media "experts," communicate the perspective of the culture of power. The desirability of order, profit, rational choice, and a domestic realm of privacy, drawn from liberal theory, defines the parameters of acceptable strategies within
this culture for ending violence. Theorists who adopt this perspective propose that criminal justice intervention in battering is bounded by these assumptions. The realities of living with violence, chaos, and fear in battering relationships challenge these assumptions and exceed the limited responses developed from them. This idea, that the law should reflect women's perspective, was elaborated by postmodernists in later writings through their arguments of the importance of theorizing and understanding the significance of differing social strata between and amongst women. As will be discussed later, it also serves as a foundational idea for the current project. However, prior to highlighting the findings of the present study, we now turn to a discussion of the epistemological foundations and methods which inform this research.
CHAPTER 3

METHODOLOGY

With few exceptions (Dobash & Dobash 1981; Ferraro and Johnson 1983; Mills 1985; Loseke 1987; Chang 1989), researchers on domestic violence have focused on how women react in violent relationships. As a result, the majority of research has focused on the response of formal agencies, primarily police, medical and community shelters (Berk et al. 1983, Berk and Loseke 1980; Bowker & Maurer 1987; Edwards 1987; Schechter 1982). By contrast, few researchers have investigated how abused women interpret their violent relationships, and how those interpretations affect their help-seeking activities. My analysis has as its primary focus the goals and motivations of victimized women who pursue formal action against their abusers. The newfound understanding we gain from this type of inquiry will enable researchers and officials alike to develop more efficient methods for dealing with domestic violence.

Because it forces survivors to relive episodes of physical and emotional pain, domestic violence is often viewed as a sensitive research topic (Hoff, 1990; Renzetti and Lee, 1993; Duelli Klein, 1983; Lempert, 1997). This reality serves as a foundational idea throughout the design and implementation of the current
project. Therefore, in addition to presenting the details of my methodology sample and mode of analysis, this chapter will explore how my research with survivors of domestic violence is influenced by the sensitivity of the topic; discuss central themes in feminist research; and address challenges in the research process. I argue that the application of feminist principles to the interview method is an excellent way to conduct research on sensitive issues. Primarily because feminist principles require us to scrutinize our methods more carefully, I argue that we can avoid many ethical dilemmas, such as exploitation and deception that historically have plagued social scientists (Duelli Klein, 1983). Not only will a utilization of feminist principles acknowledge women’s varying social goals and needs, but it also allows for a research focus on the politics and social construction of domestic violence.

Three epistemological perspectives are used throughout the duration of this project. They are as follows: critical, feminist, and interpretive epistemologies. The foundational aspects of each epistemology and its’ impact on the current methodological perspective will now be discussed.

Through their theory and research, critical theorists retain several notions of the social world. They are as follows: first, a belief that society is in constant conflict over valuable resources; second, the notion that varying degrees of status exist within society; third: social norms primarily reflect the values and experiences of those in power; fourth: members within any given society possess differing experiences; and finally: a historical review of society and its’ institutions will illuminate conflict and it’s social foundations.
While critical theory attempts to make use of a society's language and interpretation, its' analysis does not end there. By contrast, critical theory assumes that it is possible to reflect on the use of language and thereby come to a more complete understanding of the way in which reality is socially constructed. Once this is achieved, it attempts to use this knowledge to undermine the legitimacy of those social institutions that help to organize the means of exploitation or injustice.

The benefits of a critical epistemology in this research project are threefold: first, it allows the researcher to identify the social implications of domestic violence policy; second, it allows the researcher to identify the way in which law (specifically that of domestic violence) reflects a liberal perspective; and finally, it calls for an acknowledgement of the voices of survivors of domestic violence in future policy. As a result, a critical methodology which illustrates the following is pursued: first, the way in which the social world influences the creation and implementation of domestic violence policy; and second, offers suggestions for changes to the current system which will better reflect the goals, motivations, and needs of the survivors themselves.

Born out of critical theory, feminist epistemology adopts many of the central tenets inherent in critical thought. For example, feminist theorists retain a focus on the macro level of society. Just as critical theorists focus on society at a macro level, feminist theorists attempt to create change at a macro level through the utilization of grassroots mobilization. The notion that conflict is an inherent value within society drives feminist theory and research to identify inequalities
within social institutions and amongst its members. In doing so, it also adopts a historically investigative perspective in order to place a focus on the foundational norms of dominant social institutions. This focus often leads to an investigation not only of the viewpoint of those in power, but also of the input (or lack thereof) of women and members of differing social strata within society. The following discussion will highlight the main tenets of feminist methodology important to the current research thesis.

First and foremost, feminist theorists have argued that the male-defined intellectual position which holds that the perspectives of researcher and subject are inherently separate is a political myth (Smith, 1987; Harding, 1986). In its place, these feminists have called for an investment of the author in the research and a belief that both researcher and researched are part of a larger social "whole." In addition, feminists (Smith, 1987; Harding, 1986) call for an acknowledgment of the unique perspectives of women within society and the research project at hand (Firestone, 1970). Not only do feminists assert that women have differing perspectives from their male counterparts', they argue that women have unique life perspectives as a result of class, race, gender, and sexual orientation differentials (hooks, 1984; Anzaldua, 1981).

With this in mind, feminist methodology asserts that a feminist perspective can be achieved in the following ways: first, by addressing women's lives in their own terms; secondly, by providing explanations of women's lives that are useful to them as an instrument of change; third, by attempting to ensure that women's experiences are not objectified; fourth, by acknowledging the feelings and
experiences of the researcher as an integral part of the research (Renzetti & Lee, 1993).

The adaptation of a feminist epistemology in this project thus calls for an acknowledgement of the failure on the part of the criminal justice system to fully acknowledge the goals, motivations and needs of women. It asserts that although domestic violence survivors are predominantly female, the legal options afforded this population are androcentric in nature. I adopt a feminist methodology which emphasizes a cooperative relationship between researcher and subject in order to construct a narrative which best reflects the needs of female survivors of domestic violence.

In general, interpretive theorists share the following notions of the social world: first, social laws and institutions don't really exist—they are simply patterned interactions amongst individuals; second, social laws not only reflect the norms of society, but ensure our cooperation as well. In addition, Interpretive theorists believe that in order to test the accuracy of an interpretive theory, it is necessary to refer to human practice (Blumer, 1969). In doing so, the sociologist must understand the mode of communication used by subjects to create the social world in which they live. In short, interpretive theory seeks a reciprocal intersubjective understanding with its' subjects through symbolic interaction with them, not observation of them (Blumer, 1969).

The current project adopts interpretive methodology by utilizing the following goals: first, to illustrate the way in which social norms concerning marriage and family impact social policy; second, to observe the way in which
these social policies are interpreted and enforced on the part of officials; third, to observe the way in which survivors of domestic violence adapt these social policies to their quest for safety; and finally, to remain reflexive throughout the research process.

Methodologies Employed

I operationalize my concepts in several different ways and seek evidence on my topic through the use of multiple methods (Webb, et al, 1966). Believing that no single method is sufficient when studying a private, complex issue like domestic violence, I chose to conduct a research study which utilize multiple methods in an attempt to counteract the possible shortcomings of any one single method. This also provides varying viewpoints, a point especially crucial in the study of a complex system such as the social service and criminal justice systems. Specifically, the following methods are employed: first, a historical review of federal, state and local domestic violence laws, particularly as applicable in Clark County, Nevada; second, surveys gathering demographic information and the subject’s history of abuse; third, semi-structured interviews with both professionals in the domestic violence system and domestic violence survivors; and forth, participant observation during temporary protection order hearings and SafeNest volunteer training sessions. Having discussed the general methods utilized throughout this project, I will now elaborate on each individual method, including: the practical uses of each method, potential
drawbacks of each method, and a description of the use of each in this research project.

The first method is a review of the laws and structural imperatives of the formal domestic violence process throughout the country, followed by a review of the criminal justice system regarding domestic violence in Clark County, Nevada. I will present a thorough discussion of the policies and laws for domestic violence nationally and in Clark County. At a national level, I discuss early law and legislation, which culminated in the passage of the Violence Against Women Act (VAWA). I will then examine the impact of these social and legal changes to the development of domestic violence policy within Clark County, Nevada.

Historical analysis has many uses in sociological research. The most obvious, is the assembly of physical data such as demographic or legal information. However, legal analysis can also provide subjective information about the way in which a particular group or issue was perceived at the time in question. This can be obtained either through the analysis of life histories or archival data. Three uses for historical analysis have been suggested: the first being that they provide a concrete example for reality-testing theories; second, they provide information about related fields of research; third, they can stimulate further research. (Becker, 1970; Manheim, 1977).

Whether case histories or archival data are utilized, the evaluation of the original data is always important. Usually, however, only minimal information is available about the purposes, motivations, and accuracy of the original producer
of the data, and about the surrounding circumstances under which they were produced (Manheim, 1977). While careful research can shed some light on these potential problems, this is not always the case. With these potential drawbacks in mind, it is important to note that there are still benefits to historical and document research. For example, ample survey data provide a wealth of material suitable for additional research on topics other than those for which they were originally collected. In addition, the use of archival data makes it possible to study phenomena recurring at remote times and places, which otherwise might not be searchable. (Manheim, 1977)

The use of historical analysis is crucial to the current project. With the central goal of this thesis to identify the goals and motivations of survivors, it is essential to understand the following: first, the social motives for the initiation of legal directives for domestic violence both nationally and locally; second, the corresponding goals of such legal imperatives. This investigation will effectively identify the social and legal impacts of legal initiatives on female survivors attempting to navigate the formal criminal justice system.

In order to obtain a thorough history of national and state laws concerning domestic violence, I gather information from a variety of sources: The social relevance of domestic violence legislation is unearthed through an extensive investigation at the Lied and Boyd Law libraries into theoretical perspectives and crucial litigation. In addition, legal process information and statistics will be obtained from the following sources: semi-structured interviews; publications of local social service agencies; participant observation during Safe Nest
volunteering classes; and from notable resources including the Bureau of Justice Statistics and the F.B.I. Uniform Crime Reports.

The second method utilized, that of short surveys, will be implemented prior to conducting semi-structured interviews with domestic violence survivors. As Babbie (1973) has noted, there are three general objectives that may be achieved with survey research. The first is description, or to provide a profile of the study sample. The second objective which may be achieved through survey research is explanation. This is the objective that is of greatest interest in most social and behavioral research; researchers try to construct surveys in such a way that the data obtained will help explain why certain things are related to each other (Jones, 1985). The third and final objective for which survey research is sometimes used is exploration. The goal here is to find out as much as you can about the issue and the sub issues, the dimensions and the ramifications of the problem area.

While surveys provide numerous benefits to social research, potential drawbacks exist which the researcher must consider. Rather than discussing these potential drawbacks at length, I will highlight only those relevant to the project at hand. Denzin (1978) notes the following: first, variability in response on the part of the respondent given external factors such as time and interview site; second, bias and variation arising from the interviewer as a result of altering question order and tone; third, bias arising from an unrepresentative selection of respondents; and fourth, errors in interpretation of the part of both researcher and respondent.
Despite these potential setbacks, short surveys are useful to this particular research objective for a variety of reasons. First and foremost, the data obtained will provide insight into each survivor's abuse history ranging from childhood to the present. Secondly, it provides vital demographic information such as age, education level, and marital status. Finally, this data provides a personal element to the data conducted during the semi-structured interviews. It is my hope that the survivors will no longer remain mere victims, but survivors with individual life histories contextualized by the survey data they provide.

The mechanics of the survey implementation are as follows: prior to each interview with a female survivor of domestic violence, I will provide each participant with a short survey consisting of questions concerning demographic information and abuse history. Stapled to the front of each survey is an informed consent form which explains that the participant has the right at any point during the short survey or interview process to ask for clarification of a question, or skip a question altogether. I then provide the participant with privacy while she completes the survey and signs the informed consent form.

The third method employed in this study is semi-structured interviews with domestic violence survivors, court personnel, law enforcement, social workers, and victims' advocates. According to Denzin (1978), the semi-structured interview affords a more fluid and constant interaction between hypothesis and questions. The investigator is able to use each respondent as a subject and test of emerging hypotheses. For instance, this method allows the researcher to continually reformulate his/her hypothesis based on the responses of the
research subject. However, Denzin cautions that this method is not without problems. More specifically, he notes that important data that fails to fit into the researcher's theoretical scheme may be ignored. In addition, Jones (1985) notes that differences must be taken into account, especially if the topic is a sensitive one. For instance, social strata such as age, sex, class, and education level all provide ample opportunity for error in an interview situation. In addition, bias on the part of the researcher or respondent could radically alter the course of the interview and thus, the project conclusion.

Since qualitative interviewing elicits dense information from respondents, it allows me to describe complex entities such as the social service and criminal justice systems and how they segment together. In eliciting the perspective of two differing populations, I will develop a better understanding of the formal and informal domestic violence system from two viewpoints: that of survivors and that of professionals. The narratives of female survivors will serve two purposes: first; they will provide insight into the goals and motivations of this population, and enable me to recognize the viewpoint of those attempting to navigate the formal domestic violence system.

The second population targeted is that of officials currently residing within the formal system. The data collected in this capacity is threefold: first, officials will provide a technical account of the way the domestic violence system in Clark County should legally work; second, they will provide first-hand experiences of actual outcomes; and third, they will provide potential suggestions for improvement.
When conducting semi-structured interviews with survivors of domestic violence, I first administer the short survey and informed consent forms. After this, I begin with a request for verbal permission to record the interview and cite any answers provided on the part of the respondent, unless otherwise requested. I will then begin the interviewing process.

It is important to recognize the vital impact that feminist epistemology placed on the interviewing method. Most importantly, the belief that the traditional roles of "interviewer" and "respondent" are unsuitable for feminist inquiry into women's lives serves as a central theme to this study. In light of this, I allowed the participants to guide the interviews. Rather than reading from a list of questions, I have formulated my questions into a guide which should facilitate the writing of a narrative by the women who I interview. Each woman will be able to develop a narrative of her abuse and helpseeking activities as well as her goals and motivations within the formal system.

In addition, I adopt the feminist belief that self-disclosure and reciprocity are essential to the success of the current project. With this in mind, I will use every opportunity to facilitate a conversation with the research subjects which recognized my own emotions and experiences when dealing with domestic violence throughout this project and as a former volunteer. I believe this method will foster trust amongst researcher and respondent which will translate into an innovative viewpoint in domestic violence research: a newfound understanding of the goals and motivations of domestic violence survivors themselves. (see also Cook & Fonow, 1984).
I also conduct semi-structured interviews with officials working within the formal domestic violence system. Prior to conducting interviews, I will request verbal permission to record the session and cite any answers provided on the part of the respondent, unless otherwise requested. Once this is done, I will conduct a semi-structured interview which consists of general questions as well as those which reflect the individual viewpoint of the official involved.

The final method utilized will be participant observation during Temporary Protection Order (TPO) hearings and SafeNest volunteer training sessions. Denzin (1970) argues that participant observation is perfect for the collection of qualitative data because it embodies the following principles: taking the viewpoint of those studied; understanding the situated character of interaction; viewing social processes over time; and can encourage attempts to develop formal theories grounded in first-hand data. This assertion reinforces the feminist methodological approach guiding this research project that in order to completely understand the phenomena, the researcher and respondent must work cooperatively. This project will reflect the goals and motivations of the survivors themselves and thus encourage the development of new theories and policies which reflect their individual needs.

Participant observation enables me to observe the training of volunteers who will later serve inside the domestic violence shelter, answer crisis calls and provide guidance to victims. From this observation I will be able to see the level of instruction given to volunteers and to observe the way in which local policies are interpreted and acknowledged among Safe Nest personnel. In addition, my
participant observation in family court will enable me to see how the state's laws which are written to protect women and procure their safety are routinely interpreted and implemented by court personnel.

In conducting participant observation, initial contact will be made in order to gain access to each session. With regards to the Safe Nest training sessions, I will request permission for attendance and audio recording of the session via Jackie Weinberg, the volunteer coordinator. Upon agreement, I will attend each volunteer session as a passive observer.

While permission is essential to observation of the Safe Nest training sessions, permission is not necessary for attending public temporary protection order hearings. As a result, I will make contact with the Family Violence Intervention Program in order to gain a schedule of sessions for attendance. With this information, I will attend several court sessions as a passive observer.

Having discussed the methods of inquiry utilized and their relevance to the current project, I will now discuss the sampling methods used and the population being studied.

Methods of Sampling

The sampling methods utilized will be of the following: purposive, convenience and snowball samples. The following three populations will be sampled: female survivors of domestic violence; professionals working in social
service, government and legal arenas with domestic violence; and observation in volunteer training sessions and local courtrooms.

The study is isolated to the Clark County, Nevada area for two primary reasons: first, convenience because time, distance, and financial constraints make data collection throughout the state impossible. Second, Clark County encompasses the majority of land and population within the state of Nevada. As a result, generalizations made for legal statutes and county policies impact the majority of residents within the state.

As discussed, the population for the current study consists of the following groups in Clark County, Nevada: female survivors of domestic violence and professionals residing within the formal system (ranging from police officers to court personnel).

Due to the sensitive nature of this particular issue, access to these populations is often restricted. Female survivors are often protected by gatekeepers and cannot be located on a list or database; courtrooms and training sessions often have controlled access; and officials do not readily reveal information regarding the system. As a result, I utilize three primary sampling methods to achieve a variety of respondents: snowball, convenience and purposive samples. The following discussion will identify the reasons why each method of sampling is suitable for this type of research. "Snowball sampling is a method used when members of a universe cannot easily be located by random sampling or by screening, and where the members of a universe know other
members of the universe" (Robson, 1993). Each individual located is asked to contact others for interviewing purposes.

In the present study, snowball sampling is utilized with the following two populations: survivors and domestic violence personnel. Because the identities of survivors are protected by officials in the formal system, I am unable to locate these women on a list, database, or even outside counseling sessions. As a result, I will initially gain access to this population with the assistance of domestic violence personnel. Because this was often a long (and frustrating) process, I found it fruitful to initiate a relationship with each survivor interviewed, requesting her assistance in contacting other survivors whom she may have met through her experiences in the system.

Snowball sampling is utilized in my quest for respondents in the second population, that of officials, as well. Although I have identified key aspects of the domestic violence system which are necessary for evaluation, I will take advantage of networking opportunities throughout the interview process. For example, referrals to professionals were often made following interviews with their peers. In doing so, I found it much easier to gain access to this population and obtain yet another viewpoint within this complex system.

Researchers (Thyer, 2001; Robson, 1993, Simon & Burnstein, 1985) have noted that an important bias in snowball sampling is that the more an individual is identified as a member of a group, the more likely he/she is to be found in the sample. This bias raises important cautions for the present study. For example, those survivors identified may have simply attracted the attention of officials and
their peers due to their outspoken nature. This idea could be exemplified in my location of Sandy, who was referred to me by Wendy Wilkinson, director of The Family Violence Intervention Program in Clark County, Nevada. Wendy first came into contact with Sandy when she raised complaints against the formal domestic violence system in Clark County. Wendy noted during her interview that in fact it was Sandy's outspoken nature and independence which left an impression on her. In addition, I was routinely referred to domestic violence survivors who were known to officials due to their "extreme" case histories. As a result, it is possible that I interviewed a particular group of survivors—those who had either extraordinary cases or whom were very outspoken in contrast to women who were dealing with "normal" cases or whom were less likely to identify themselves as victims (Sudman, 1976).

Also, through the utilization of snowball sampling, it is possible that I will speak to respondents with "like" opinions. For example, when I was referred to one respondent by another, it is likely that both women were acquaintances because they shared "like" experiences which could potentially skew my results.

The second sampling method utilized, is that of convenience. Convenience sampling utilizes each respondent the researcher is able to locate whom meets the eligibility criteria and whom agrees to participate in order to make up a research sample (Scheaffer et al., 1996).

In the present study, convenience sampling is utilized in the following ways: first, I will attempt to interview any survivors who are willing to participate and whom have pursued formal action against their abusers. Second, while I
systematically identified and contacted officials located at various points of the formal domestic violence system, those respondents who ultimately participated are those who were available when contacted.

While convenience sampling carries numerous advantages to this type of research inquiry, one must note that such a sampling method is not without faults. For example, such a sample is not necessarily representative of the population. While this researcher does not attempt to make any specific arguments concerning the populations at large, she does understand that further inquiry noting the varying social strata amongst women is imperative to understand the actions of survivors.

The third and final sampling technique utilized in the current project is purposive sampling. Purposive sampling allows us to choose a case because it illustrates some feature or process in which we are interested (Silverman, 1985). In the current research study, purposive sampling is used in a variety of ways. When sampling survivors of domestic violence, I will contact local shelters and resource centers for assistance in locating female survivors. In doing so, I am targeting two specific types of survivors: first, those survivors who are female; and second, I am accessing a portion of the larger domestic violence population who have in fact sought formal help from a common domestic violence resource.

Secondly, I will utilize purposive sampling in my quest for respondents currently residing in an official capacity within the domestic violence system. During the research design phase, I identified key points within the system through which survivors must pass. The benefits of this design are two-fold: first,
I am able to identify those points at which guidance and knowledge are disseminated; and second, I am able to identify the point at which potential problems could present themselves. While a potential bias to purposive sampling lies in the acceptance of any case as representative, I follow Denzin and Lincoln's (1994) lead that the researcher think critically about the parameters of the population to be studied. In doing so, I will not attempt to seek out groups, settings or individuals where certain processes were more likely to occur, but those areas which serve as key points of navigation through the formal domestic violence system.

Sensitivity Issues and Research Challenges

Recently, increasing attention has been focused on the nature of conducting socially sensitive research (Lee & Renzetti, 1993, Lempert, 1997). Lee and Renzetti define sensitive topics as those that have potential costs (or threats) to the participant and researcher. They also identify several areas of research that are likely to be sensitive, including research of a sexual nature and that which examines the private sphere. Domestic violence is a sensitive topic for two primary reasons: first, speaking about their experiences of domestic violence forces women to relive these experiences and uncover unpleasant memories. Those survivors who have come to terms with their experiences and have moved forward in their lives are asked to reopen old wounds, while those who are still suffering severe emotional trauma may experience heightened anxiety and misery by speaking in detail about the violence (Russell, 1990).
Second, while the threats to survivors themselves were much greater, this study also poses a potential threat to me as a researcher. For the most part, I feel safe conducting the interviews; however, the possible threat of angry men finding me interviewing their significant others about their experiences is sometimes daunting.

As with any research project, the potential for bias in this study is available at every point of the research design and implementation. As a result, it is crucial that the researcher take a step back and review the research strategy with a critical eye. The following discussion will highlight the potential for bias in the current study; the methods used in an attempt to circumvent bias; and suggestions for improvement in future inquiries.

Three threats to reliability and validity arise with the use of short surveys in this research project. The first is an assumption of knowledge which directly contradicts the cycle of abuse. By contrast, it is important to note that the cycle of abuse operates on control which manifests itself in virtually every aspect of the abusive relationship. As a result, the abuser often controls who the victim sees, and most importantly, what the victim knows. This translates directly into the knowledge or lack thereof of survivors regarding their former familial income status. While the survivor probably has knowledge of her current income status, it is unlikely that she has accurate knowledge of the previous familial income. This bias poses a potential threat to the validity of income generalizations and should be acknowledged.
The second threat to reliability and validity is a direct result of the sensitive nature of domestic violence. Because I am collecting the surveys myself, I recognize that the survey information collected is not completely anonymous. Although I guarantee confidentiality, I understand that respondents may be hesitant to answer questions regarding their personal lives and abuse histories.

The third issue revolves around the dynamics of the researcher/subject relationship. Although I attempt to make clear that I am available to answer any questions which may arise regarding the survey, respondents may be hesitant to ask for definition clarification. As a result, any confusion regarding definitions or terms may drastically impact the findings of study. The fourth and final issue is a reflection of the respondent's ability to recall correct information. For instance, data such as years and ages may be estimates.

The four threats to reliability and validity outlined serve as cautions for project design and analysis. In light of this, data collected from short surveys will solely be used to formulate a framework for understanding the survivor's abuse history.

Four potential threats to reliability and validity also arise with respect to semi-structured interviews. The first threat recognizes the possibility that the tape recorder may be a deterrent to candor. In light of this, it is possible that respondents will alter their response because it is essentially "on record." For example, respondents from Safe Nest have devoted their professional, and often personal lives to ending domestic violence. Therefore a respondent is unlikely to
willingly admit the shortcomings of her program, let alone her own mistakes when dealing with victims. In light of this, if the interviewer is seen as a threat to a program's legitimacy, the respondent may alter her answers to indicate a general success of the program.

The second threat is a reflection of communication issues. On several occasions I was forced to clarify terms in questions I asked. Although I attempted to do so without leading the respondent in any way, it is possible that I inadvertently influenced the answers given by the respondent.

The third threat may be driven by a desire for change on the part of the respondent. In doing so, she may inadvertently guide the research process. For instance, in noting several examples of one problem she sees in the formal domestic violence system, the respondent may guide the interviewer to believe that something should be changed. This could possibly occur in both the survivor and policy official interviews. For instance, frustrated by the enactment and legitimization of laws and their inability to impact change, officials may emphasize the shortcomings of the system. Likewise, survivors might use the interview process as an opportunity to vent their frustration and voice their opinions. In doing so, a respondent might inadvertently emphasize one side of the coin in an attempt to prove a point.

The fourth and final threat to reliability and validity is once again a result of the sensitivity of domestic violence. In dealing with such a sensitive topic, it is possible that respondents fail to tell me the truth regarding their family history. While I believe that each of the survivors interviewed were genuinely truthful,
there is no way for me to know for sure and are thus forced to rely on them to be accurate. An especially troubling viewpoint is that although I informed each respondent that she could refuse to answer any question at any time, the possibility remains that the respondent felt compelled to answer each of the questions asked. In doing so, she may still feel embarrassed or not want to reveal the truth, thereby altering her account to an answer she believes I would want to hear.

In discussing potential shortcomings of my use of participant observation, I will first note those tied to participant observation in temporary protection order (TPO) hearings, followed by those noted in volunteering classes. First and foremost, it is possible that I simply caught the commissioner on a bad day when observing temporary protection order (TPO) hearings. Secondly, maybe those court sessions observed represented some of the worst cases or the least serious cases. As a result, future research should be conducted and compared to the findings of the current study. Third, I only observed the two commissioners who regularly preside over TPO hearings. A suggestion for future research could be conducted observing court on days in which other judges filled in for the commissioners to see how the hearings differed.

When identifying potential threats to reliability and validity in participant observation during Safe Nest classes, there are three risks. First, unlike my virtual invisibility on the part of officials in court, my presence in Safe Nest's volunteering classes was undeniable. As a result, teaching may have been unconsciously altered on the part of instructors and guest speakers.
The second threat lies in the fact that I was unable to attend all of the volunteering classes offered for the spring session. I cannot be confident that I know what was told to the potential volunteers throughout the entire process. By contrast, I can only discuss the information provided during classes I attended. The final threat identified is once again a result of the audio recorder. As with the interviews, the act of recording the volunteering classes may have altered the information provided during class sessions. A threat to candor may once again have altered the tone and content of the discussion at hand, thus skewing my research results.

In addition to the issues noted above, gaining access to survivors proved to be one of the most challenging issues of this research project. Dealing with “gatekeepers,” the officials of these protective associations, was a very significant constraint that many who research sensitive topics must confront. Often, and certainly in my case, an entire research project is contingent upon a gatekeeper’s granting permission to do the project. During the course of my research, I contacted approximately twenty officials that might have some interaction with domestic violence victims. With each, I explain my current research aims and my past experience as a volunteer in a local domestic violence shelter and research in this area. Both my gender and my past experience have been invaluable in making connections with women’s centers. The vast majority of officials, however, have either rejected my proposal to interview their clients or pushed me off onto someone else. Regardless of the reasons my proposals were rejected, the fact that they frequently were made
gaining access to survivors of an extremely trying process. In the end, I actively worked with only a handful of ten officials who agreed to provide me with access to possible participants.

Although the utilization of an interpretive methodology places the focus of this thesis on a micro level with individuals, the analysis does not end there. On the contrary, the knowledge gained from individuals will allow me to observe this complex structure as experienced by officials and survivors alike. In doing so, I have the opportunity to utilize a critical feminist perspective to evaluate the adaptation of domestic violence policy to the lives of female victims of domestic violence. This entire process should therefore allow me to compare the norms and policies of the formal system to those of female survivors. The result will be a newfound understanding of the goals and motivations of female survivors attempting to navigate the formal domestic violence system.
CHAPTER 4

THE VIOLENCE AGAINST WOMEN ACT (VAWA): THE NATIONAL INITIATIVE AND THE NEVADA RESPONSE

National Trends and VAWA: A Brief Overview

The battered women's movement, a by-product of the women's liberation movement of the 1960s, is frequently credited in the literature for unmasking the extent of the abuse of women and advocating for social change (Koss et al., 1994; MacKinnon, 1987). At the onset of the women's liberation movement in the United States, even women outside the movement rallied around the issue of rape (Brownmiller, 1975; Schechter, 1982). This should come as no surprise, considering that the pervasiveness of rape and its element of power were being recognized amongst academia at this time. (Brownmiller, 1975). The present chapter will briefly outline the evolution of domestic violence policy (specifically the Violence Against Women Act) from the 1970s to its latest revision in 2000.

The Socio-legal Climate of the Violence Against Women Act

Few federal programs and very little legislation addressed the problem of domestic violence before the introduction of the Violence Against Women Act in 1994. However, following several defeated bills, President Jimmy Carter was
able to establish the Office of Domestic Violence with a budget of $900,000. With the electoral success of the Republican party in the Senate and executive branch, however, more conservative ideology gained prominence. The New Right opposed domestic violence legislation, and President Ronald Reagan closed the office in 1981.

In 1984, the Family Violence Prevention and Services Act provided grants on a limited scale to support shelters, counseling, and related services for women and children who are victims of domestic violence. In addition, this legislation made grants for research and training of law enforcement agencies available. In 1993, Congress allocated $24.8 million for the Act, providing eighty-five percent of the money to state-run programs.

Finally, The Victims of Crime Act of 1984 provided $150 million in grants to aid survivors of various crimes. According to Daniels, the importance of this Act "lies in the priority it gives to grants designed to assist victims of domestic violence, sexual assault, and child abuse" (1997).

Research and statistical data reflecting incidents of domestic violence in the 1970s reinforced the argument that the scope of violence against women was immense. In both research projects and lawsuits filed at this time, police were the predominant focus. Studies published at this time demonstrated that calls to the police had little or no impact on eliminating woman battering. For instance, one early study indicated that in eighty percent of domestic homicides, police had been called to the home at least once. In fifty percent, they had been called more than five times prior to the homicide (Police Foundation, 1977).
The battered women's movement challenged this response through legislative changes and lawsuits. In doing so, three lawsuits have been credited with convincing police departments throughout the country to revise their policies and improve their response to battered women. The first, the Scott v. Hart (1976) class action suit, charged the Oakland (CA) Police Department with failure to protect. The five named plaintiffs were African American women who had received no response, an ineffectual response, or a threatening response from police to their calls for protection when beaten up by a husband, ex-husband, or boyfriend. The settlement reached in 1979 created a new police policy which served a dual strategic purpose: first, to obtain effective police protection for battered women through quick police response to domestic violence calls and arrest if the officer had probable cause to believe that either a felony or misdemeanor had been committed in his presence; and second, to educate not only the criminal justice system, but also the public, about the problem of domestic violence by informing battered women of community services available, and through the enforcement of civil restraining orders (Zorza, 1992).

Second, the Bruno v. Codd (1976) class action suit targeted the Family Court, Probation, and Police Departments of New York City. The judgment provided for adequate police response to requests by women for protection from violence acts by their husbands. It states, "When the officer has reasonable cause to believe that a husband committed a felony against his wife or violated an order of protection, the officer must arrest him and should not attempt to reconcile the parties or mediate" (Zorza, 1992).
While both cases provided substantial pressure to police departments for their failure to protect victims, research at this time emphasized the widespread threat of domestic violence to women. For instance, the Bureau of Justice Statistics (BJS) noted that approximately ninety-five percent of all "domestic violence" victims are women (Report to the Nation on Crime and Justice, 1983). In addition, Russell found that between twenty-one percent and thirty-four percent of all women will be physically assaulted by an intimate male during adulthood (1982). Klaus and Rand (1984) also reported that ninety-one percent of all spousal violence reported on the National Crime Survey was victimization of women by husbands or ex-husbands.

Those police departments who had not responded to the message delivered by the Oakland and New York City suits were forced by the settlement in Thurman v. City of Torrington, Connecticut to face the possibility of huge liability unless they changed their policies. In this widely publicized case, Tracey Thurman was awarded $2.3 million by a federal jury after she suffered permanent scarring and paralysis in the presence of police officers. The court found that the town and the police had maintained a "policy of indifference" that amounted to sex discrimination (Zorza 1992).

Although research, grassroots activism and lawsuits at this time recognized violence against women as a public problem and called for increased attention on the part of police, a Bureau of Justice Statistics (BJS) report in 1987 indicated that incidents of abuse continued to escalate. Numerous studies followed which reinforced the assertion that domestic violence was a
widespread, social problem. For instance, the Uniform Crime Report (UCR, 1988) stated that "every six minutes, a woman is raped, every fifteen seconds a woman is beaten." (1988) The cumulative effect of this constant assault is that at least two to three million women per year are assaulted by male partners in the home (Straus & Gelles, 1990; Straus, Gelles, & Steinmetz, 1980). As a result, domestic violence advocates and officials working within the criminal justice system pressed for legislation which would protect the rights of victims and provide definite legal sanctions for offenders.

The Violence Against Women Act (VAWA):
Federal Legislative Procedure

On June 19, 1990, Senator Joseph Biden, Jr., introduced the first version of the Violence Against Women Act (VAWA), and the Senate Judiciary Committee began hearings on the legislation the following day. When the Judiciary Committee eventually considered the bill, survivors of violent attacks testified as to their experiences of judicial insensitivity, especially in connection with attempts to prosecute their attackers. Journalists were drawn to the issue, which resulted in a series of editorials and newspaper articles nationwide. It is likely that this media attention did a great deal to raise public awareness of domestic violence. The power of popular support is evidence by the fact that the Judiciary Committee passed the bill unanimously on October 4, 1990. However, this did not guarantee swift action in making this bill a law. The full Senate did not vote on the bill, and Senator Biden introduced it again in 1991.
On January 14th of that year, Senator Biden reintroduced the Violence Against Women Act. The new bill contained many technical changes in definition, in the amounts of grants to be distributed, and in the requirements for receiving grants. It was not until March 20, 1991, that the bill was reintroduced to the House by representative Barbara Boxer (H.R. 1502). Two major differences existed between the bills in terms of domestic violence: (1) the Senate bill created programs in schools to educate children about domestic violence, while the House bill did not; (2) the Senate bill required commissions set up by states to study domestic violence, and authorized a national media campaign educating against domestic violence; these provisions were not in the House bill. In most other respects the two bills were virtually identical.

On January 21, 1993, it was Senator Boxer, working with Senator Biden, who introduced VAWA, which became known as the Biden/Boxer bill; this bill was nearly identical to the 1992 Senate version. One month later in the House, the bill was introduced by Representatives Schroeder (D-CO), Slaughter (D-NY), Morella (R-MD), and Schumer (D-NY). Several new additions were included in the updated House version of the bill, including provisions for the protection of battered immigrant women. The Senate added a requirement that the Centers for Disease Control study the cost of domestic violence injuries. In addition, the Senate provided funding for a toll-free national hotline for victims of domestic violence.

By the adjournment of Congress for winter recess at the end of the year, both the House and Senate had approved some version of VAWA. The
upcoming challenge, and the final step towards making the bill a law, was for both sides to agree on one bill which would bridge the gulf between the competing versions.

Although the full House had passed a version of VAWA in 1993, it was decided that the VAWA measures should be incorporated into the Crime Bill of 1994, thus delaying the process once again. It was not until March 18, 1994, that the House Judiciary Committee passed a crime bill which included VAWA as Title XVI. Then, on April 21, the House crime bill was voted on and passed by the whole body of the House (285-141). However, the differences between the House and Senate bills were vast at this point. Following numerous revisions, the Senate voted 61-38 to pass the bill exactly as it came out of the committee, readying it for the President’s signature. On September 13, 1994, President Clinton signed the Violent Crime Control and Law Enforcement Act of 1994, in which VAWA was enacted as Title IV.

Since its enactment into law in 1994, the Violence Against Women Act (VAWA) has endured numerous revisions. By 2000, an anti-crime package reauthorized VAWA and established new policies in an effort to combat international slavery and sex trafficking. The anti-crime legislation bundled a series of five bills into the conference report on HR 3244. In addition to the Violence Against Women Act (HR 1248) and the underlying sex trafficking act (HR 3244), the package included a bill on sexual predators (HR 894), tighter limits on the sale of alcohol over the Internet (HR 2031), and a measure to aid victims of international terrorism (HR 3485).
The Violence Against Women Act of 2000 (P.L. 106-386) improves legal tools and programs addressing domestic violence, sexual assault, and stalking. In addition, it reauthorizes the program at $10 million for fiscal years 2001-2005, allocates funding for grants to reduce violent crimes against women on college campuses, and adds assistance to victims in immigration matters as one of the programs' primary goals. Although the changes in the VAWA 2000 legislation are numerous, I will touch on those which effected survivors navigating the criminal justice system in the State of Nevada.

In terms of legal assistance changes, VAWA (2000) provided the following: first, it authorized the Attorney General to provide civil legal assistance grants for survivors of domestic violence, stalking, and sexual assault at $40 million for fiscal years 2001-2005; second, it required that at least twenty-five percent of the allocated funding be used to support projects focused on providing legal assistance to survivors of sexual assault; third, it defines legal assistance to include family, immigration, administrative agency, housing, protection orders, and "other similar matters"; fourth, it includes private non-profits, Indian tribal governments, and law school clinics as eligible grantees; fifth, it requires grantees to certify that any person providing legal assistance be trained by a domestic violence or sexual assault program; and finally, it requires that the grantee's policies do not necessitate mediation or counseling of offenders and survivors together.

Shelter Services for Battered Women and Children were also impacted by VAWA 2000. The following changes were made which directly effect survivors
seeking this assistance in Clark County, Nevada: first, VAWA 2000 reauthorized this program at $175 million for fiscal years 2001-2005; second, it provided funding for transitional housing assistance; third, it created a new grant program to be administered by the Department of Health and Human Services authorized at $25 million for fiscal year 2001; and fourth, it reauthorized the Court Appointed Special Advocate (CASA) program at $12 million for fiscal years 2001-2005. This discussion has shown that the existence of the VAWA provided legal justification for defining domestic violence a crime against women throughout the United States. Having said this, it is important to note the use of VAWA within the state of Nevada and its dramatic impact on the focus of domestic violence legislation within the state.

Domestic Violence in the state of Nevada prior to VAWA (1994):

Domestic violence was initially acknowledged as a crime in the state of Nevada in 1979. For the most part, the criminalization of domestic violence was not the result of genuine concern for the well being of victims, but based on two factors: first, the motivation of police to recognize domestic violence as a priority; and second, concern for the safety of Nevada’s police officers.

The first factor, the motivation of police officers, is the dominant focus of Chairman Hayes' statement in 1979 when considering the legalization of temporary protection orders (TPOs). At this time, Chairman Hayes did not point out the potential benefits such a law would afford the family of an offender. By contrast, she argued that there needed to be a criminal penalty for situations of
domestic violence because at the present time, police "simply did not have the motivation to get involved because there is nothing they can do unless one of the parties presses charges."

Other laws followed which focused on the needs and desires of Nevada police officers. One such law (NRS 171.124), extended the authority of peace officers to arrest an individual for an offense committed prior to their arrival. This legislation was yet another landmark decision in combating domestic violence within the state of Nevada. Although such a law potentially benefited survivors, its primary focus was to protect peace officers. In the view of policy makers, such a law would protect officers because they would have the ability to simply arrest the offender rather than attempt to mediate the volatile situation.

Yet another example of this focus on the safety of police officers is found during testimony on the part of Senator Ford in 1980. The proposed law would require the education of police officers in dealing with domestic violence. During the testimony, the benefits such a law would provide to victims was completely ignored. By contrast, Senator Ford focused solely on the benefit such a law would provide police officers. The entire presentation is based on FBI statistics citing the risk incurred to officers responding to domestic disturbance calls. In short, Senator Ford argued that training on the part of police officers would "enable them to respond to calls involving domestic violence more effectively and with less danger to themselves."

Although police were the primary focus of early domestic violence legislation in the state of Nevada, this has drastically changed over the past
twenty years. The focus of new laws impacting domestic violence has shifted to acknowledge the impact of violence on the social world and the family. The following discussion will illustrate how combined efforts of various programs altered the focus of domestic violence legislation which came on the heels of the passage of the Violence Against Women Act (VAWA) in 1994.

One of the most significant improvements VAWA provided to Nevada law was the development of the Family Violence Intervention Program. A cooperative effort of Family Court and Safe Nest, the Family Violence Intervention Program “is dedicated to reducing acts of domestic abuse in our community by providing: assistance with the filing of protection order applications, information regarding court-related procedures, safety planning and community awareness of domestic violence issues” (1999).

The Family Violence Intervention Program operates in accordance with NRS 33.017-33.100, and under the directives of the Eighth Judicial District Court, Family Division. It is a cooperative effort between the Court and Safe Nest/TADC (Temporary Assistance for Domestic Crisis), a nonprofit organization dedicated to helping victims of domestic violence. The Family Violence Intervention Program began services in January of 1993, following initial grants afforded VAWA legislation. The court provided office space and equipment and Safe Nest/TADC provided one full-time staff member and a part-time volunteer when available.
Following the enactment of VAWA in 1994, the Family Violence Intervention Program initiated an emergency process available to survivors if the alleged abuser is arrested for domestic battery and still in custody.

According to Wendy Wilkinson, the office takes in an average of 2,000 calls per month and performs various functions including but not limited to the following: first, staff members provide assistance in filing applications for a Temporary Protection Orders Against Domestic Violence (TPO); second, they coordinate the processing of Temporary and Extended Protection Orders; third, they perform data entry of all information required by the Nevada Protection Order Registry; fourth, they distribute packets to the Sheriffs Civil Bureau for service upon the Adverse Party; five, they provide information and forms available for either party involved to file a motion to modify or dissolve an existing order; six, they offer referrals to other resources when appropriate; seven, they engage in community education and awareness including presentations regarding protection orders and the Family Violence Intervention Program at workshops and seminars; and eight, they distribute numerous pamphlets and brochures regarding domestic violence issues.

Survivors were once again the focus in 1997 when the Nevada Legislature passed an omnibus domestic violence bill that established changes in the way domestic violence cases are prosecuted and adjudicated in Nevada. Under this legislation, prosecutors are prohibited from dismissing or reducing a charge of domestic battery unless it is obvious the charge cannot be proven at trial (NRS 200.485 (5)). The legislation also amended the domestic battery
statute to enhance penalties for subsequent convictions (NRS 200.485(b)(c));
set minimum mandatory sentences for each conviction (NRS 200.485)(1)(a)(b)(c); and prohibited judges from suspending sentences or granting probation for these offenses (NRS 200.485 (5)).

Under the federal Violence Against Women Act (VAWA), jurisdictions are required to give full faith and credit to valid orders of protection issued by other jurisdictions (18 U.S.C. 2265,2266). The full faith and credit provisions of VAWA permit abused women to call on law enforcement officers and the courts to enforce their protection orders when they cross state or tribal lines. In the state of Nevada, this law was enacted in 2001 and was a breakthrough for survivors, whose protection orders ensured legal protection throughout the United States.

The previous discussion has illustrated the general evolution of domestic violence legislation within the state of Nevada prior to and following the passage of the Violence Against Women Act (VAWA) in 1994. In short, whereas early legislation had placed its focus on the motivation and safety of police officers responding to domestic disturbance calls, legislation following the enactment of VAWA 1994 increasingly focused on the needs of survivors and their families. The following discussion will clarify the means by which a survivor in Nevada can pursue her first line of defense against an abuser: the protection order.

According to the statutory scheme set out in Nevada’s Orders for Protection Against Domestic Violence (NRS 33.017-.100), protection orders are available to individuals who have been the victims of domestic violence. This class includes spouses, former spouses, persons related by blood or marriage,
current or former roommates, persons with a past or present dating relationship, persons with a child in common, or the child of any of these persons (NRS 33.018(1)). Remedies are available to this protected class for acts of domestic violence including battery; assault; compelling a victim by force or threat of force to perform or refrain from performing an act; sexual assault; a knowing, purposeful or reckless course of conduct intended to harass; false imprisonment; or unlawful entry of the victim’s residence (NRS 33.018(1)).

Depending on where a battered woman resides, the court may issue one of two types of protection orders against a perpetrator of domestic violence. The first type is known as a Temporary Protection Order (TPO), which may be issued for thirty days (NRS 33.080 (1)). If deemed eligible, the court is authorized to issue a TPO to: prohibit the adverse party from threatening, physically injuring, or harassing the applicant or her minor children; exclude the adverse party from the applicant’s place of residence; prohibit the adverse party from the applicant’s place of residence; prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor children and order him to stay away from any specified place frequented regularly by them; grant temporary custody of the minor children to the applicant; or order such other relief as may be necessary in an emergency (NRS 33.030 1(a)-(e)).

The second type of order is an Extended Protection Order (EPO), which may be issued for up to one year (NRS 33.080 (3)). At the hearing to extend, the court is authorized to order such further relief as visitation with the children by the adverse party; temporary child support; temporary spousal support;
reimbursement of medical or household expenses; or mortgage or rent payments (NRS 33.030 (2)(a)(b)). Having outlined the various types of protection orders available to survivors of domestic violence in Nevada, and the scope of each, we now turn our focus to examine the jurisdiction of the protection order.

Violation of a protection order against domestic violence is a misdemeanor criminal offense, punishable by up to six months in jail and/or fine of up to $1000 (NRS 22.100). Before an adverse party can be arrested or held in contempt for a violation, however, the protection order must be properly served on him (NRS 33.070).

Statutory Definitions and Punishment for Violation:

Battery is defined as any willful and unlawful use of force or violence upon the person of another (NRS 200.481 (1)(a)). Domestic Battery is the use of this force or violence against a spouse, former spouse, relative by blood or marriage, current or former roommate, current or former dating partner, co-parent, or child of any of those persons (NRS 33.018).

(NRS 171.137) gives the authority to officers to arrest offenders when the misdemeanor of Domestic Violence Battery occurs that was not committed in an officer's presence. This statute gives the officers strict instruction on when to arrest, no matter if a victim or witnesses are willing to assist in any future court proceedings. And when a mutual battery occurs, this law gives guidelines on who to arrest.
On the first conviction for domestic battery, either after a trial or a plea agreement, the abuser must: spend at least two days in jail (with credit for time served) (NRS 200.485 (1)(a)(1)); perform no less than 48 hours of community service (NRS 200.485 (1)(a)(2)); pay at least $200.00 in fines (NRS 200.485(1)(a)(2)); and participate in weekly domestic violence counseling sessions for at least six months (NRS 200.485 (2)(a)).

On a second conviction for domestic battery within seven years, the penalties increase to: at least ten days in jail (NRS 200.485 (1)(b)(1)); at least 100 hours of community service (NRS 200.485 (1)(b)(2)); a fine of at least $500.00 (NRS 200.485) (1)(b)(2)); and weekly domestic violence counseling sessions for at least 12 months (NRS 200.485 (2)(b)).

Under this statutory scheme, the third conviction for domestic battery within seven years is a Category C felony. A Category C felony requires imprisonment for no less than one year and no more than five years, and a fine of not more than $10,000 (NRS 193.130).

A View From Within the Formal System in Nevada

Having identified the legal options and corresponding statutes in mind for domestic violence within the state of Nevada, we now turn our attention to a close examination of the methods by which individual survivors pursue legal action against their abusers in the state of Nevada. To do so, I have created two typical scenarios in which a female survivor of domestic violence might pursue legal action against her abuser. In both instances, additional legal action may simultaneously occur in additional courtrooms dealing with child custody issues,
divorce, or Child Protective Services (CPS) charges. With this in mind, one must note that while these descriptions and charts provide a seemingly clear-cut description of the legal process, the pursuit of survivors is often fraught with numerous court dates, hours of paperwork, and frustrating setbacks due to the complexity of the criminal justice system.

In each scenario, I will provide a detailed description of the steps required for adequate protection to occur under Nevada law providing the given situation. In addition, I will provide a chart for each scenario which should adequately illustrate the general steps followed by survivors in their attempts to procure the legal assistance of the state as well as the safety of themselves and their children.

"Scenario I" represents a situation in which, following inquiries into her rights, the victim chooses to seek a temporary protection order. This is achieved by filing the appropriate paperwork in the Temporary Protection Order (TPO) office at the Family Courthouse. A hearing is usually scheduled within seven days. This hearing provides the abuser with an opportunity to state his case and prevent the possible violation of his rights. (It must be noted that when the Temporary Protection Order (TPO) is served, the abuser immediately loses rights such as custody of children and is often evicted from his home until a hearing can take place. After both parties have presented their accounts, the judge will decide if a temporary order is warranted. If a temporary order is granted, the order will remain in effect for up to thirty days, or until an extended order has been granted.
"Scenario II" illustrates a situation in which the police have been called to the scene of the domestic violence incident and the abuser has been taken into custody. In doing so, the state of Nevada requires that police officers provide survivors of domestic violence with local contact information which can be used to prosecute their batterers and provide survivors with legal advocacy and representation. In short, the blue information card provides survivors with contact information for local shelters and legal offices as well as descriptions for the use of protection orders and their violation. Not only does the blue information card provide the survivor with an explanation of the steps in obtaining a protection order, but it also provides her with arrest information such as an event number and the arresting officer's name for future reference. Noting the confusion and stress the survivor is subject to at the time of an arrest, this card is designed to fit in the survivor's pocket or wallet for future reference as needed.

As the abuser is taken into custody, he is placed on a twelve-hour hold. Recognizing that this time will not necessarily force the abuser to "cool off" as traditionally believed, law enforcement now acknowledges this time period as a prime opportunity for the survivor to obtain an emergency protection order against her abuser. This is most commonly done via telephone with SafeNest advocates or the District courthouse. What is so advantageous about the emergency protection order process is that the entire procedure can occur while the defendant resides within the confines of the county jail. As a result, the survivor can be legally protected at the time of the abuser's release. This protection order will remain in effect for one week. If she chooses to continue
legal action, the survivor must make an appearance in family court either to obtain an extension of the emergency order, or to file a temporary protection order within one week of obtaining the emergency protection order.

If the survivor chooses to extend a temporary protection order (typically after 30 days of its issuance), she must fill out an application for an extended and temporary order with the Clerk’s office located in the District Courthouse. This is the survivor’s opportunity to recount the last incidence of violence in her own words for the judge. This application will then be verified in front of the clerk/notary and forwarded on to a judge, who will then either: (1) issue a temporary order based on the application or (2) requests an ex parte hearing. In requesting an ex-parte hearing, the judge has decided that he/she would like to hear an entire account of the violence from the survivor herself. Often referred to as a “one side only” hearing, an ex-parte hearing is yet another chance for the survivor to explain to the judge why she fears her abuser and why she feels she is entitled to a temporary order for protection. Whether the temporary protection order is issued immediately or following an ex-parte hearing, a hearing notice will be issued by the court within 45 days of the survivor’s application. The abuser must be “served” with this notice of a hearing by law enforcement so that he knows he must appear in court. If the abuser does not receive notice, the hearing will be rescheduled. This hearing serves primarily as an opportunity for the abuser to defend his legal rights.

Nevada law states that a hearing must be held within 45 days of the court receiving an application for an extended order. The survivor must be present. If
the abuser is not present at the hearing, the judge will either chose to grant an order of protection or order a new hearing date.

The hearing is the survivor's opportunity to illustrate the abusive history of the defendant. In doing so, she is expected to do the following:

1) Contact individuals who either witnessed the abuse or the resulting injuries: Such individuals range from friends and family members to health officials and law enforcement officers. If a subpoena is needed to request the individual's presence in court, it is the survivor's responsibility to secure the required documents.

2) Gather evidence and documentation which could convince a judge that domestic violence has occurred and protection is justified. Such evidence includes medical and police reports, pictures of injuries, broken possessions, tapes of 911 calls, certified copies of the abuser's criminal record and weapons used. After evidence and statements from both sides are presented, the judge will make a decision.

As once can see, while the steps for legal action against an abuser appear clear-cut when noted on a chart and accompanied with a lengthy explanation, it is easy to see, provided minimal guidance, why a survivor may become frustrated with the legal system. Not only can the process be confusing, but inconsistent information, strict bureaucratic guidelines and a lack of signs within courthouses contribute to a growing frustration amongst survivors attempting to obtain legal assistance. The following chapters will provide testimonials from the survivors themselves in an attempt to understand their
individual goals, and therefore, needs, when attempting to navigate this complex system with minimal guidance. Having discussed prominent research approaches which tend to focus on the way in which women utilize the current formal domestic violence system, we now turn to focus on their needs and goals.

I began by interviewing officials currently residing within the formal system. In doing so, we will inquire into each officials' view of the formal system, their view of workers' roles in that system and their view of survivors utilizing the formal system. This will enable us to identify those areas of the formal system which are successful or unsuccessful in the eyes of officials residing at varying levels.

Before presenting the results of my interviews, it is essential to first review the definitions of those I have identified. In this research project, individuals referred to as "workers" include domestic violence advocates, volunteers, and police officers residing in the domestic violence task unit. "Officials," on the other hand, represent those individuals who work within the county court system as district attorneys and policy makers.
CHAPTER 5

THE OFFICIAL'S ACCOUNT OF
THE FORMAL SYSTEM

Although the objective of this thesis is to identify the goals and motivations of survivors, it is imperative to first speak with officials who interpret and apply the law on a daily basis. Their first-hand experience with survivors provides them with a unique perspective of the issue at hand. First, they are able to see the formal domestic violence system from an official, legal standpoint. Second, they are able to witness the impact of current laws and policies on survivors who pursue legal action against their abusers. To this end, I conducted semi-structured, open-ended interviews with ten different officials within the legal and social service domestic violence systems. These individuals hold positions within the formal system which are vital to a survivor's pursuit of legal protection. The officials' experiences provide the basis for one overarching theme throughout the research process: a concern that current domestic violence laws dictate the direction and speed by which survivors regain their freedom from an abusive relationship. One official exemplified this concern through her recount of the formal domestic violence system as a strictly bureaucratic process:
“Because the law has been devised under this strict bureaucratic scheme, little room is left for individuality. As a result, certain things must happen in order for the next to occur. There have been several times in the past where this restriction could have put the life of the victim in danger.”

When asked to provide an example, she replied:

“TPOs, for instance, have to be served on the abuser. Some of these guys know how to work the system so well that if they get wind of a TPO, they disappear just long enough for three attempts to be made. You know, the office will only make three attempts to serve. This rule has left several of my own clients unprotected.”

An advocate at SafeNest reinforced this contention:

“…… I’ve had clients who’s abusers weren’t served for two weeks after their paperwork was filed. They’re really good at hiding. You know, they don’t have to open the door if they don’t want to. If they don’t open the door, they don’t get served.”

In addition to a general concern about the decisive power of law in the formal domestic violence system, officials continually indicated that the speed in which formal action was achieved against abusers was sorely inadequate:

“While I understand that our nation’s legal system is set up to protect the rights of all its citizens, it scares me that the rights of abusive men are continually observed, sometimes over those of the victim. For instance, TPO hearings force victims to appear in court in front of their abuser for
the sole purpose of protecting his right to family and property. Why should he have any rights? In the meantime, the abuser's often victimizing his partner in court by acting smug, often "proving" what he's contended for a long time: he's stronger than she is."

While officials regularly expressed concerns regarding the impact of the formal domestic violence system on the personal lives of survivors, their criticism did not end there. In doing so, a second theme emerged: a general concern for the lacking breadth of legal orders. By contrast, although they regularly expressed pride in the current formal domestic violence system and its growing inventory of law, every official interviewed quickly noted that these laws are not the end-all, be-all to violence within domestic relationships. For instance, one recounted the emergence of Temporary Protection Orders (TPO) in Las Vegas over the last few years. However, she soon acknowledged that these orders are in fact, "pieces of paper" which can't possibly protect victims from a particularly violent partner. Each advocate interviewed possessed the very same sentiments, noting that although they do provide some protection, women possessing Temporary Protection Orders (TPOs) are still at risk of future violence.

This claim was reinforced by one SafeNest advocate, who noted that: "now they even say that the Temporary Protection Order (TPO) is not even legal when it is signed by one of the commissioners in Family Court. It's only legal when the judge signs it."

When asked to elaborate, she continued:
"Well, this probably adds one more day. Meanwhile, the victim leaves the courthouse with this piece of paper that says she has a TPO, when in fact, it still is official."

The third overarching theme identified throughout this research was a concern that the laws of the formal system do not necessarily coincide with the goals and motivations of survivors. While many officials were generally critical of the current legal options for survivors of domestic violence, when asked to explain each policies' essential function and effectiveness, they are often very professional in their account. As a result, their discussions were commonly filled with overtones of hope and excitement for new laws which could "save" any woman in need of legal assistance when used properly.

"We as advocates are here to guide women through the criminal justice system and offer support. Thanks to VAWA and grants from the Department of Justice and the Agassi Foundation, we are able to employ advocates throughout the system to assist victims."

Another official echoed this sentiment:

"When our office (The Family Violence Intervention Program) began, the need in the Las Vegas valley was greatly underestimated. I'm very proud of our success."

Although officials gave very favorable accounts of the system on a general level, they quickly reverted back to a pessimistic tone when discussing the role of their colleagues. Officials often placed blame for the problems of the current system on several factors: first, lacking resources; second, support of
colleagues; and third; a belief that domestic violence is such a broad social problem that their efforts are useless unless social change simultaneously occurs.

The impact of criticisms regarding officials on the part of their colleagues provides a framework within which we are able to gain an understanding of the way in which officials view their role in the formal system and it’s impact on the lives of female survivors of domestic violence.

Not surprisingly, the stance of officials when questioned about their colleagues was much the same as their opinions of the law when discussing domestic violence: indecisive. For example, while officials were quick to praise their colleagues in every aspect of the formal system for their dedication and compassion, these comments were often closely followed by a general expression of frustration for decreased vigor in their pursuit of innovative projects.

Having said this, only one official I interviewed indicated that she had in fact attempted to participate in a program designed to teach abusive partners new methods for dealing with their aggressive behavior. She noted:

“I got tired of trying to tell the women I come into contact with how to avert the situation. I find it stupid, when frankly, it’s out of their control in the first place.”

Although this was a noble attempt at praxis, she indicated that she only lasted four hours in this position. When I asked her why she gave up on the program so quickly, she stated that:
"I couldn't stand to listen to those pigs whining about their pitiful lives" any longer. While this was a harsh answer, further probing uncovered yet another reason for her abrupt abandonment. "Not only did the thought of helping these men make me sick, but I just couldn't escape the fact that I felt like it was a hopeless cause. They were all so far gone. I mean, they've been abused and abused others their entire lives. What good are my aggression techniques going to do now anyways?"

Left feeling frustrated with their inability to tackle such a large problem on their own, many officials turn to colleagues for assistance. However, this is yet another common point of frustration amongst the domestic violence officials I interviewed who repeatedly indicated that although "everyone wants to help, no one really wants to get their hands dirty." A prime example came to life in an interview with the previous official. Believing that we must begin teaching young boys different aggression techniques at a very young age, she recounted her attempt to start a new program in valley elementary schools which would teach young boys new methods for dealing with their aggression. Following initial "excitement' on the part of her colleagues, she quickly felt abandoned.

"Although everyone was gung-ho in the beginning, noone really wanted to step up to the plate. It eventually ending up being "my project." It became understood that if it was going to get off the ground, I would personally be responsible for it's success."

Overwhelmed with her current workload, she realized that "there just weren't enough hours in the day. Without anyone to really back me up and
provide financial assistance, I couldn't see how this project could ever take shape."

The lack of resources indicated by this official leads to yet another common complaint amongst domestic violence officials at large. "We just don't have enough money to provide these women with the financial, emotional and social foundation needed to ensure their personal success." As a result, it would appear that potential programs and nurturing groups are scrapped in their initial phases due to a lack of funds.

While virtually every official interviewed indicated that she would love to see one type of innovative project get off the ground without experiencing frustration due to his/her colleagues lack of enthusiasm or overwhelming responsibility, many also indicated a loss of goals on their part compared to when they entered this type of work. More specifically,

"As much as I hate to admit it, it's just so hard to remain hopeful that what I'm doing on a daily basis is really going to help a victim leave an abuser. Knowing that women leave an average of eight times, I know that I'm at best just planting a seed for the future. Sometimes I wish I could just see immediate results."

Another official stressed the difficulty to separate her work life from her home life:

"I try very hard to remain available to the victims I help, but sometimes they just won't leave you with any free time. I had one victim call me on my cell last night while I was at dinner with my parents. I try to be
understanding, but they don't understand that this is a job to me that sometimes I want to leave at the office.”

Furthermore, in their day-to-day interaction with survivors, the courts, and social service agencies, many officials indicated that they could longer identify what the best way to combat domestic violence is. Whereas many stated that they entered their current position with clear goals for change, they quickly found that domestic violence engulfed so many social factors that they no longer could figure out “where to start.” For example, throughout the interviewing process, officials from every point in the system indicated that domestic violence research, advocacy and policy should refrain from focusing on the actions (or lack thereof) of survivors to focusing on the deeds of the abusers themselves.

“It just really frustrates me that these women are continually blamed for their victimization. Commissioners continually ask questions to the effect of why she stayed so long or return after she got a TPO the first time, and all the responsibility for retaining protection of her god-given rights is placed on her. We need stricter laws which allow law enforcement to protect these women from the get-go. They shouldn’t have to go to court to get proof that the violence is illegal.”

Another official stated:

“We have all these laws in place that assert women's right to live violent-free lives, but we overlook the fact that these men don’t just abuse one woman in their lifetime. They abuse many. Why isn’t our focus on their rehabilitation and not that of their victim's?”

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Yet another official noted:

"Women just still have lacking status in society. If it wasn’t "acceptable"
for women to be the sole caretakers of children, and powerless within a
marriage, maybe we wouldn’t see violence to this extent in the first place."

Having viewed the formal domestic violence system through the eyes of
it’s officials, we now turn our focus to the central theme of this thesis: the
identification of the goals, motivations and concerns of female survivors of
domestic violence. While our discussion with officials has provided a platform
from which law is enacted and interpreted on a daily basis, I argue that a true
indication of the system’s success lies with an analysis of the viewpoints of
survivors themselves. This notion will serve as the central goal for the following
chapter.
CHAPTER 6

SURVIVOR'S ACCOUNT OF THE FORMAL SYSTEM

Prior to the analysis of each survivor's interview, I returned to the demographic information they each provided on the survey. In doing so, I attempted to understand each woman's life experience from her own unique point of view. With my goal to create a narrative for each woman rather than a case history, I found this information essential to developing a situational frame of reference. Relevant information can be located in Appendix E on page 149.

Throughout the interviewing process, three goals emerged which were of paramount concern to survivors. The first, the safety of themselves and their children, began even before the relationship had been terminated in the eyes of the legal system. My research appeared to support previous findings (Dobash and Dobash, 1996) which argue that female victims of domestic violence are involved in an active negotiation for a relationship free from violence within the home. For example, Sarah* noted several attempts to appease her husband, such as preparing dinner for his arrival each evening, and sending the kids outside to burn off excess energy for his arrival.
"I learned real quick that these were simple things that made a very big difference in the way our evening went. Although it didn't stop the abuse totally, it was way in which I could stop it from starting."

Theresa concurred, noting that:

"I learned to keep my mouth shut. If I just agreed with everything he said, he wouldn't get pissed at me for disrespecting him."

Despite reports of efforts to please their husbands or partners by changing their own behavior, these tactics of submission were neither viable nor sufficient to stop the abuse for the women in this study.

Once female victims did begin to seek formal legal assistance, one of their shared personal goals was empowerment. Often, however, they were met with obstacles. These obstacles emerged as themes throughout the research analysis. The first theme I identified in this research is the existence of paternalism, or "coddling" on the part of officials. While survivors want to be heard, many note that they want to be seen as equal partners in their journey for safety. By contrast, they argue that officials rarely listen to their ideas and concerns.

"Sometimes I feel like the advocates listen, but they don't hear me, you know? Sometimes more than solving my problems, I just want someone to listen to me while I vent.... sometimes I think they're so busy trying to make a point with my case that they're not really hearing what I'm saying."

Jennifer concurred, noting that:
“Several advocates have told me that my case is extraordinary. Honestly, I don’t want my “extraordinary” case to be something to prove. I just want my family to be in tact again. Sometimes I feel like the ‘domestic violence poster child.’"

As survivors begin to feel like faceless casualties of a greater social problem, they argue that this dehumanization leads to a paternalist coddling effect in which their voices are silenced. This is effectively achieved, I argue, through a characterization of these women as “victims.” This idea was noted on several occasions. For instance, Trisha stated that:

“While I really want someone to listen to me, I don’t want to be treated like a baby. My husband treated me like I was helpless for years. I’m not helpless.”

Theresa assented:

“Most of the time, they treat you like you’re this sad, poor, victim. Yes, my life is in a shambles right now. That doesn’t mean that I can’t make any decisions for myself, though.”

In line with the notion that survivors are routinely deemed helpless in the eyes of officials, many survivors noted that they often felt as if officials spoke condescendingly to them. Most notably, several survivors noted that although they thought advocates often meant well, they often treated them like children.

More specifically, Trisha stated:
"I know I've made some mistakes in my life, but I also think I know a little bit about what's right for my son. But no one really ever listens to my opinion. Sure, they hear me, but they don't really listen. They're always trying to guide me into a different path. I just want someone to listen to me sometimes, you know?"

Sandy agreed, noting that:

“They’re supposed to help you and they just push you down another notch more by playing on your “stupidity.” They seem to have the mentality that everyone else does….. if you’re stupid enough to get into this relationship, and you’re stupid enough to stay, then you’re just plain stupid."

While some survivors are timid and shy, the abusive environment leaves others outspoken and assertive. Instead of praising their bravery, officials often abandoned these women altogether. For instance, after receiving numerous setbacks based on inconsistent information, Sandy began to voice complaints to various formal offices such as the district attorney’s office, SafeNest, the TPO office, and Pro Bono. As a result, she began to lose assistance from various offices. As incredible as it may seem, she asserted that her complaints made to SafeNest led to a denial for future assistance.

"I was just so frustrated. All I wanted to do was vent. After my set back in court, I had just wanted someone to care enough to check up on me. But no one did. It’s almost as if they give you “just enough” help. They don’t always return phone calls, they all give out different advice and
information...... it's all so inconsistent. The worse part was, when I brought this up to several of the advocates at SafeNest, they didn't really take it that well. After that, no one would return my phone calls anymore."

This dehumanizing effect, according to survivors, translated into an inaccurate representation of their personal and legal goals within the system itself.

The second theme this research project identified was that women's definitions of "leaving" were often radically different from that of the formal legal system as outlined in our nation's laws. Whereas the law tends to define "leaving" as a permanent move and dissolution of the relationship in question, survivor's definition ranged from leaving emotionally to permanent absolution through such legal steps as divorce.

For instance, when asked to define "leaving," Sandy argued that although she didn't physically leave her fiancé behind, she left him emotionally. When asked to clarify, she noted that in her opinion, emotion is the backbone of all relationships. In light of this, her act of emotionally leaving her fiancé was symbolic of the end of their relationship.

Monica concurred, noting that once she left her boyfriend emotionally, she started to hide money away in order to leave "officially."

"Before I really started to do anything legally, I realized that I needed to get some money together to move out of our apartment. I was too scared to stay there once he found out. I started saving a little money here and there. That marked the real end of our relationship, because no longer
was I emotionally attached to him, but I was lying to him by keeping my plan from him. I think communication is the most important part between a couple, and we no longer had that. In my mind, that showed that I had given up.”

When survivors finally do physically leave the relationship, their definition remains radically different from legal definitions which emphasize legal action and dissolution of the union. For example, Jackie noted:

“Everyone asks me why I finally left. I didn’t just leave four months ago. I left many different times over the years. I just kept thinking that a two-parent household was best for Shauna.”

This is a common belief on the part of survivors of domestic violence. Throughout this project, the majority of women indicated that they had “left” prior to the moment that they physically sought legal action. By contrast, each survivor indicated in one way or another that she “left” the moment that her heart abandoned the relationship.

The differing definitions of leaving between the legal system and survivors themselves provides an enlightening explanation for survivor’s apparent “failure” to follow through with the legal actions required to dissolve the abusive relationship. For instance, while survivors routinely noted that their first attempts at leaving were not to end the relationship, but were instead, efforts at negotiation. This idea is apparent in the account of Trisha, who noted that many
of her early attempts to "leave" were actually attempts to make her husband see
that she could in fact leave at any time she chose.

"I took my son and left many different times throughout the years.
Although I was frustrated with the way things were going, I just wasn't
ready to leave yet. I didn't let Kevin know that, though. Each time, I found
us a place to live, whether it be with a friend or family member, and I
found a job. This was my way of showing both Kevin and myself that I
could make it on my own if things didn't change."

Not only did many survivors wish to point out to their abusers that the
abuse was unacceptable, several mentioned that their actions were also aimed
at their friends and family. Following years of denial and advice about how to
learn to live with the abuse or to control it, some women ran to shelters or legal
offices as a means of expressing their voices. For example, Jackie noted that
obtaining a temporary protection order (TPO) was not only meant for her
husband's eyes, but for those of her friends and family, who repeatedly denied
the abuse.

"For years they had convinced me time and again to go back with him and
"stick it out." I'd finally just got fed up. I figured if I got some kind of legal
paper that said, hey, he really is doing something wrong, they'd finally be
on my side for a change and help me out."

Donna indicated that she was repeatedly denied emotional support from
her church clergy, as well.
"I thought this order would make the members of my church accept the abuse as real. For years they had told me that it was just a family problem that we could work through. With this paper, I was finally showing them that this was more than a family fight, it was something illegal."

With this in mind, it is important to note that the key point to this particular project is not only to highlight these women's survival skills within the home as past studies emphasize, but to note their goals and motivations when pursuing formal, legal action against their abusers. In doing so, I found some compelling information which appears to substantiate my assertion that survivors of domestic violence will only pursue those goals which prove successful to the point at hand. For instance, Jennifer stated:

"I first just called the TPO office to ask some questions. I didn't see that a TPO would really do any good for the family.... I mean, it would just make us look like a bad family. I just wanted to know what my options were."

Further corroboration for this argument can be found through statements made by Sandy, namely in her continued effort following setbacks she incurred when pursuing pro-bono legal assistance. Learning that this particular office failed to deliver adequate service, Cynthia decided that requesting their assistance did not have a positive affect on her case. As a result, she attempted to find new, more fruitful methods for help.

"After my court fiasco, I realized that I couldn't rely on the help of others. I needed to make sure that I was getting adequate protection. After that, I
learned to ask A LOT of questions and no longer rely on anyone other
than myself for representation."

Not only did survivors note that they pursued only those methods which
they deemed fruitful, they frequently noted that they often did "just enough" to
assert their power within the abusive relationship. For example, Trisha
explained:

"After leaving to my mother’s house for the night didn’t seem to phase him
anymore, I upped the anti. I moved out of the house completely. I wanted
him to see that he couldn’t just boss me around anymore. I was capable
of leaving with my son without batting an eye."

Whereas officials are located in a position where they are able to see
aspects of the formal system from the legal interpretation and definition of
domestic violence to the daily struggles of survivors, survivors learn of the
system from those officials with whom they come into contact with. As a result,
their interpretation of it’s shortcomings and potential are closely tied with their
impression of the compassion and vigor of the officials themselves. As a result,
these women often know very little about the system, it’s goals, and the impact it
has on survivors other than their own personal experiences.

The third theme that materialized dealt with information and it’s effect on
women’s help seeking activities. More specifically, many survivors noted that
incorrect information caused them to end certain methods of help. Sandy
recounted one particularly disturbing case:
"When I filed my show cause papers for my legal case, I found a informational slip attached to the documents advertising pro bono legal help. I called and requested assistance, but didn't hear from anyone..... so I started asking around at SafeNest, the DA's office, the TPO office..... do I need a lawyer? Everyone told me no. The Monday before my hearing, someone from the Pro Bono office called me and told me I didn't need a lawyer. Everyone kept telling me that because I had a good hand on the lingo, I'd do fine. So I do what they tell me. I play prosecutor.... I bring all my stuff. Well, it didn't go well at all. Because I'm not a lawyer and didn't no how to present my evidence in "proper court procedure", the commissioner refused to accept it. She told me we have two choices. We can proceed without your evidence or you can ask for a continuance. I obviously didn't have a choice, so I had to get a continuance. When I finally got in touch with Pro Bono again, you know what they told me? Well, you should have know that if he had an attorney, you should have had one, too. On thing's for certain..... I'm never asking for help from Pro Bono again."

Even more troublesome than Sandy's story is a story recounted by Lori, who explained that when she first inquired into help from SafeNest, she was turned down.

"I saw a story on the news one day about domestic violence, and realized that I was going through a lot of the things they were talking about. So, I called the number they listed to find out what I could do. The girl I talked
to, though, told me that I was not being abused because I hadn't been hurt physically."

Luckily, Lori's mother was adamant in getting her daughter help, so after numerous attempts to find local sources of help for domestic violence victims, she contacted SafeNest again and was given the correct information. However, such oversights are incredibly worrisome when one acknowledges the terror these women live through on a daily basis.

In short, although survivors noted several negative consequences of the formal domestic violence process, it is important to note that each survivor interviewed in the present study praised at least one official or aspect of the system. As a result, it is obvious that the recent improvements such as temporary protection orders and weapon restrictions have not been made in vain. However, it would appear that several changes need to be made in order to serve these women with respect and acknowledgement during this time of loss. By loss, I hope to convey that female survivors of domestic violence are not necessarily just in need of instruction regarding how the system works, but are more frequently seeking guidance and consolation. As a result of this study, I argue that the primary approach taken on the part of domestic violence officials should not be instructors that tell victims what they have to do, but as mentors who share information and resources and listen to their concerns, fears, frustrations, and most importantly, needs and motivations. In doing so, it is my hope that officials working within the formal domestic violence system will allow
the voices of these survivors to dictate their new life course as well as domestic violence policy within the state of Nevada.
CHAPTER 7

REFLECTIONS AND SUGGESTIONS FOR FUTURE RESEARCH

Domestic violence has proven to be a substantial problem in Clark County, Nevada. As a result, many changes have been made throughout the years to combat domestic violence. While my goal here is not to evaluate the effectiveness of these new policies, it is worthwhile to examine those issues routinely noted throughout this project during participant observation at SafeNest and TPO court as well as common arguments made during interviews with survivors and advocates. In doing so, it will become increasingly clear that although these changes have provided female survivors of domestic violence with increased options and protection under the law, women continue to feel confused and objectified by the very system designed to protect their rights. Not only will we briefly highlight some of these notable findings in this chapter, but we will also highlight some additional problems which arose during data collection. These findings will allow us to generate some overall conclusions regarding the formal domestic violence system in Clark County and allow us to provide alternative approaches to research and policy in this area.

Through an analysis of domestic violence law in the state of Nevada, one point became clear: the feminist jurisprudence argument that the law is
andocentric in nature is true with regards to domestic violence law in Nevada. Early focus was not with survivors of domestic violence, but on Nevada’s peace officers. Legislative sessions stressed three key motivations for domestic violence law in Nevada: rate of injury to responding peace officers; time and financial expense of local police departments; and unwillingness on the part of officers to respond to domestic violence calls.

As a result, it would appear that lacking a focus on survivors would explain an overarching theme of the present study: the dehumanization of survivors has allowed the goals of the formal system to ignore the needs of the women in question. Survivors are left to struggle on a daily basis to mold their own needs around those deemed appropriate by the formal system, never given the power to write their own destinies.

Throughout their accounts, while officials portrayed domestic violence victims as survivors who are fighting a constant battle for safety from violence within the home, they routinely refer to survivors as helpless victims in need of guidance and support. This is yet another instance in which survivors are dehumanized within the very system designed to protect their rights. I argue that while officials are demonstrating that they do view survivors of domestic violence as brave individuals, this does not necessarily translate into respect for the unique perspective and potential input of survivors when critiquing current policy and developing new methods for dealing with domestic violence in Clark County, Nevada.
Alarmingly, this study found that surviving women's definition of "leaving" is radically different than identified legally or officially. For instance, whereas the legal system adopts a cut and dry characterization of "leaving" in which one permanently terminates the relationship, every woman interviewed utilized a very different definition. In short, each woman saw leaving the home for a night or a week as "leaving." In addition, survivors universally identified additional means by which they voiced their opinion within the home which led first, to a leaving of spirit and heart, followed finally by a physical termination of the relationship. This finding lends support to the hypothesis that women are in a constant negotiation for power and safety within the violent relationship.

Overwhelmingly, survivors indicated that their goals for pursuing legal action were personal empowerment, safety, and legal assistance. While many noted specific officials who were instrumental to their success, the overall consensus was that they felt like pawns of the system. For instance, women continually complained that the criminal justice system remains so completely intimidating and confusing that they are left to cling helplessly to advocates, volunteers, and in the words of Theresa: "anyone who would listen to me." At the same time, they began to believe that the legal system was not designed to protect their rights, but often forced them to prove their innocence within the abusive environment. Officials apparently corroborated this belief, continually noting that while the subsequent legislation of VAWA has resulted in increased awareness of domestic violence and additional avenues for women to follow, resulting documents such as temporary protection orders remained "pieces of
paper” which afford shaky protection to women and their families. Most notably, both survivors and officials noted that while these new policies and laws recognized domestic violence as a crime, they do very little to acknowledge these women’s motives and goals for initiating formal action in the first place.

In an attempt to provide these women with additional legal options and guidance, it appears as though the domestic violence system is treading a fine line between “coddling” and “mentoring” its clients. As noted in chapter six, Trisha and Sandy provided powerful examples of this occurrence during the interview process. The result is potentially devastating: women are no longer seen as courageous survivors, but as helpless victims in need of instruction. As a result, women consistently complained that their motives and goals were subsequently ignored while “the cause” was stressed.

Complaints on the part of survivors citing instances in which inconsistent information was routinely espoused by officials was particularly troublesome. Whether this is due to inadequate instruction of officials or discretionary practices within the system, the potential for danger to the survivor is something which should not be taken lightly. For example, in Lori’s case, the official with whom she spoke to at SafeNest threw her back into the grasp of an abusive partner as a result of ignorance of the manifestations of abuse. As a result, the cycle of abuse was allowed to continue until Lori’s own mother intervened.

Most disturbingly, while officials routinely identified women as strong, determined, focused women, they routinely referred to their clients as “victims.” Not only were women referred to as victims by the officials from whom they sought
help, but they were routinely demonstrated as victims throughout accounts on the part of officials, as well. Most commonly, this was demonstrated throughout well-intentioned descriptions of women when officials attempted to clarify/place their lack of leaving situationally. While this type of description does in fact make the survivor more human and make the reader more compassionate toward the victim's actions, it does portray the victim as helpless:

"The majority of women are very confused. They just don't know what they want to do. I love being able to get them back on the right track. That is the best benefit of this job."

As a result, it would appear that domestic violence officials have embodied a dominant critique of the critical paradigm: that the effort to "enlighten the oppressed" has allowed officials to place themselves in the role of savior. More specifically, they begin to liken themselves to teachers who, drawing upon their extensive knowledge and expertise, carry the responsibility of molding these women into successful participants within a society who has continually victimized them in the past.

However, throughout my research, I began to liken many officials to "the great and powerful Oz" who, claiming to have all the answers to life's questions and problems, espouses grand plans and schemes through instruction. However, when one pulls back the curtain, it is found that the great and powerful Oz is merely a man who, using smoke and mirrors, creates a mythical superman. Officials appeared to follow this very same road: continually espousing great change and freedom from victimization for all, but when it came
down to doing something, many were so overwhelmed with their daily responsibilities, lacking funding and noncooperation on the part of their colleagues that they began to feel overwhelmed. In short, officials began to realize that they are in fact, one individual, and that domestic violence is too complex for their sole attention.

With these revelations in mind, how can the formal system adopt a new perspective which focuses on the goals of survivors? Rather than altering the entire formal process, I suggest a grass-roots approach which returns the focus of the domestic violence movement to its original form: a nurturing, understanding environment in which women can express their thoughts and desires. In doing so, workers in local shelters will no longer view themselves as “teachers”, but as friends offering moral support and advice to the women they counsel. A relationship built on trust and understanding will increase the likelihood of future involvement in the formal system by survivors as future mentors to their sisters.

It is my hope that this primary understanding will eventually foster an understanding of women’s needs and motivations when pursuing formal action, thereby leading to an alteration of legal definition and practice.

In addition to these suggestions for applied policy and practice, my own experiences provide significant insight regarding future research. I experienced a variety of emotions and reactions during the data collection and interpretation phases of my research. Listening to women’s stories, I was deeply moved by their pain, determination, and fighting spirit. Early on, I became aware of one of
the effects of conducting qualitative interviews with survivors of woman abuse. I began to experience some of the very processes that participants described in their sense-making journey. For example, some women recounted that when they first named their experiences of violation as abuse, they were inundated with memories of childhood abuse. For me, the faces of women who had sought refuge at places where I had worked passed steadily before me. However, this should come as no surprise to a researcher embarking on a project dealing with such a private, painful subject. In fact, one ought to anticipate that listening to women's experiences of oppression and resistance would evoke powerful and painful feelings, and that one might need to give voice to them. My wish here, however, is to recount and analyze another process, the process of dismantling a mental defense which dictated what I was willing and able to see and hear in the interview texts. This aspect of sensitive research projects such as this one is particularly critical if we ever hope to understand why these women do what they do.

Even more surprising than my constant battle to overcome my own biases and predispositions was the realization that I, too sometimes caught myself disengaged with the transcripts of my interviews. This occurred predominantly during the early phases of my interpretations. This disturbing sense of disconnection with the texts and a reluctance to interpret them presented further reflection. In doing so, I realized that much of this reluctance was justifiably rooted in my fear of reinscribing power relations between myself as a white, privileged woman from a working-class background and the "other," that is,
participants less privileged than I was. As a witness to and participant in acts of "othering" in my shelter work, the haste with which we workers set ourselves apart from "battered women," I feared reproducing classist and racist stereotypes of women who had been abused.

With these revelations in mind, the most logical question to ask is: how do we place our own emotions and reactions into our research? The answer is simple: through reflection. The final selection will highlight my own argument for the use of reflection within research procedure and its' immeasurable impact when combined with a focus on survivor's perspectives on future policy and research.

"What we are able to learn from our research is surely tied into what we are willing and able to hear" (Elliot, 1998). Our willingness and ability to see and hear important issues will, to a great extent, determine what shall and shall not be spoken about in public accounts of our research. In my experience, the examination of my own emotions and the interpretation of interview texts were equally illuminating processes fraught with ambivalence, hope, and fear. Contained in this struggle lies the hope that insight will become conscious, contributing to self-knowledge and the possibility of knowledge about others. My efforts to comprehend and clarify my experiences as a researcher ultimately allowed me to dismantle my resistance to knowing and entice insight into consciousness.

My personal journey of working through silence, shame, and responsibility provide distinct implications for my professional and personal practices. While I
could have maintained the status quo by failing to address critical issues in feminist theory and practice by reproducing the Other in refusing to speak of my own investments in preserving silence. It is this alternative approach that challenges our privilege and the effects of research on us and, ultimately, on our representations of research participants.

My research experience has shown that in writing the “other”, we can rewrite the self. For me, this means opening ourselves to the possibilities for personal change inherent in the process of inquiry, attending to the emotions, psychic dynamics, and issues evoked by our research, exploring the places where our research and interaction with participants have rubbed us raw and touched open wounds and silences. This also means speaking about these subjects with colleagues to insert ourselves into the production of knowledge, describing the ways in which shifting our gaze to ourselves helps us understand the people participating in our research and the realities of their lives, and writing and speaking publicly about what we have learned about ourselves through our research. The notion of reflexivity needs to be revisited to further explore how critical self-reflection affects what we see and hear in our research. If we pay closer attention to our own processes, we might lean toward a more truthful account of our lives, and a more compassionate and insightful account of the people whose lives we are researching.
BIBLIOGRAPHY


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APPENDIX A: SURVIVORS INTERVIEWED

Sandy

Sandy, a successful entrepreneur, had just moved from Texas with her fiancé six weeks prior to their ultimate separation. “I left everything to be with him. I had finally found my soul mate. Or so I thought.” Sandy said that the abuse began almost immediately. She wasn’t allowed to open her own mail, all the bills were in his name. He was verbally and sexually abusive as soon as they arrived in Las Vegas. Regarding the abuse, she stated: “Although I couldn’t believe it, I knew I didn’t deserve it. Before I had even unpacked everything, I decided to leave for the first time. It was just for a couple of nights, but it was long enough for him to beg me to come back to him. Beside his begging, I realized that I had just invested far too much of my time, energy, and money into this relationship in moving and all to just turn the car around and go home. Besides, he had the car keys, and I couldn’t get into the storage unit because he neglected to put me on the lease. I was stuck.”

Laura

Laura had been married to her husband for 15 years. She explained: “I can’t work, so he was my only means of financial support. I was constantly leaving for
nights at a time, and I left for a week or so several times in the past. The last fight we had, I left for two weeks to my sister's house. He begged me to come home and promised me a new life in Las Vegas, that we'd start all over again there. I said yes, and we moved two months ago. Still nothing changed, though. He started abusing me physically and emotionally again right away. After about one month, I left. I'm living with a security guard who patrols my apartment complex now. He treats me nice, my kids like him, and I feel safe again. We're thinking about moving back to California.

Theresa

"I met Mike while working as a runner at a local electric company. We lived together for two years. We had the same interests: music, friends, and most of all: partying. While we both developed a bit of a cocaine habit, his spiraled out of control after he lost his job. I got a job as a topless dancer to support us, while he stayed home, drank, and smoked rock cocaine. This was when the abuse started. I'd come home and he'd be in really bad shape. It'd start out with him calling me names, and when I tried to defend myself, he'd hit me. I finally left after one particularly bad episode, and moved back home with my parents until I could get my life back together."

Theresa came from a white, middle class family whom she likened to "the Brady Bunch." Her parents had married following prior divorces, and joined their six kids as one "big, happy family." However, she stated that her mother's
alcohol abuse and the children’s verbal and physical abuse that followed, 
inhibited her family’s happiness.

Sherry

Sherry and her husband met three years ago. “He had just been discharged from 
the Marine Corps. and moved to Las Vegas. We met when he started working at 
the construction company where I worked as a receptionist. When he got offered 
a job in Utah, I sold everything I owned within two weeks, and we moved there to 
start a new life. Only, it wasn’t as exciting as I thought it would be. It was not long 
after that the abuse started. That lasted for about two years, when I finally got 
the courage to leave for good. I just moved back to Las Vegas three months ago 
and am living with a friend until I can get back on my own two feet.”

Much like myself, Sherry was raised in a white, low-middle class, single-
parent household. Her mother was the sole provider for Sherry and her younger 
sister. “Everything was always hard. We struggled on a daily basis. When I met 
my husband, I felt safe for the first time in my life. He had a good job, income, 
and he was ‘going places’.”

Sarah

“I was born and raised in Wisconsin. I grew up in a very strict Baptist family. My 
parents gave me very little freedom, so I snuck around a lot. I met Jack at a party 
and we dated for awhile against my family’s wishes. When I graduated high 
school, we moved to Las Vegas where Jack could find work. I waitressed a bit,
but Jack made a lot more money than I did, and he took care of all the bills.”

Jack was verbally abusive throughout most of their relationship, but the physical abuse started when Sarah first became pregnant. “I don’t think he ever wanted the baby. Cameron was born in 1998, and I stopped working after that to stay home with him. For awhile I thought that if I stayed at home and made everything there run smoothly, Jack wouldn’t be so stressed. That didn’t work, of course, and I started to look for help. My friend Jamie had been trying to get me to move in with her, but I just wasn’t ready to give up yet. However, following a particularly violent episode two months ago, I realized that Cameron’s life was in danger. After that, I moved in with Jamie.”

Monica

“I met Mark at the Hard Rock one night last December. He was with a group of guys who were really loud, and he caught my attention because he seemed shy and quiet. That’s what I liked about him. He was always very affectionate, neat, and meticulous about everything he did. While those are the things that I found attractive in him, they’re the same things that caused the abuse in our home.”

Monica noted that she was always blamed for being too loud and too messy. “He’s 26 and I’m only 20, so I couldn’t go out with he and his friends. I always ended up left behind, and he’d come home drunk and mad that the house was “messy”.

To make matters worse, when she attempted to talk to her mother about the abuse, she recounted feeling stupid. “She ‘reminded’ me that he was a
strong Mexican man from a good, catholic family. Of course to her, this was the ultimate....... I don’t think that I would have had the courage to leave if I hadn’t met his ex-girlfriend one night at a party. She came up to me and introduced herself, telling me that she had heard that he was abusing me, too. When she told me about the last time he beat her up, I realized that my life was in danger. Surprisingly enough, she became my biggest supporter: she told me what I needed to do to leave and get help."

Jennifer

Jennifer was raised in “a typical white, middle class family. You know the type….
Mom, Dad, Boy, Girl, dog…….” We were pretty happy growing up. I mean, we always got the things we wanted. My parents fought a lot, though. I decided that I didn’t want that for my kids. You know what they say….. all the money in the world can’t buy you happiness.”

“David and I were married for 7 years and have two boys, aged three and five. He worked construction in Las Vegas and I work as a dancer. David always belittled me for my line of work. He’d call me names, and make me hand over my tips to him every night.” She added: “I put up with the abuse for ten years, until I finally couldn’t take it anymore. My sister and I got an apartment together, and she’s helping me take care of my kids.” Unfortunately, the abuse did continue. After David found out that Jennifer had left him, he called Child Protective Services (CPS) and told them that her new boyfriend was molesting their
children. "I couldn’t believe that after all he did to me, I was the one who looked like the bad parent."

Donna

“Bill and I were high school sweethearts. We got married right after graduation and were married for 26 years when I decided that I couldn’t go on any longer. Donna explained that her ex-husband is a Lutheran minister, and he wanted them to set an example for the parishioners. “Everything had to be perfect: our home and me. Of course nothing is ever perfect, so he was angry a lot. I went to the other church officials and members of our family for help many different times over the years, but everyone told me to just ‘stick it out,’ as if this was a normal marital setback. After calling SafeNest’s hotline several times, I got a TPO. I really did it to prove a point to all the people who tried to convince me that this was a normal setback that we could work through. With this legal paper, I had proof that what he was doing was a crime.”

Trisha

“Kevin was physically abusive throughout our marriage. I left approximately 12 times before, but he always talked me into coming back. I grew up without my dad around, and I really wanted our son, Josh, to have his father around.” Throughout the interview, Trisha indicated that her life experience as a low-income, African American woman consistently influenced her decision to stay. “Growing up, my mom and I had it hard. I worried all the time about money. I
wished my mom didn’t work so much. I didn’t want that for Josh. So, I stayed home with him as long as I could...... we started having money problems a couple of months ago, though, so I went out and got a job at WalMart to help out. When he found out, though, he went crazy. He knocked three of my front teeth out and said, ‘No one will ever hire you now.’ I was in so much pain and got really depressed. I talked to women at SafeNest a lot and finally decided to leave him for good again. They helped me get some money to fix my teeth, and I got a job working at a local grocery store. Josh and I are moving in with a lady I met at the store where I work in two weeks.”

Jackie

“I met Tom when I began working at Harrah’s 12 years ago. He was a bartender, and at the time, I was a cocktail waitress. When I became pregnant, I quit my job to stay at home with the baby. It was not until our daughter, Shauna was born that things start to escalate. Tom was always after me to lose the baby weight, and things just never were right at home. The house was either too messy, or the baby cried too much. Tom began drinking a lot and would stay after work and drink his paycheck away. When he came home, he’d blame me, saying things like, ‘you push me to it nagging me all the time..... I’m suffocating’..... I immigrated from Taiwan as a child, and had this idea of the “perfect American family” in my mind. I guess I thought that Tom was my partner in that dream. I finally began to realize that my definition of the perfect family was very different from the way I was living... Shauna is ten now, and we’re staying with my sister.
I'm looking for a job right now, but times are so tough after September 11th. Hopefully something will come along soon."
APPENDIX B: INFORMED CONSENT FORM AND RELEASE

UNIVERSITY OF NEVADA LAS VEGAS

Department of Sociology

INFORMED CONSENT FORM

General Information:
This research project has been designed and will be implemented by Lisa Kopinski from the department of Sociology at the University of Nevada, Las Vegas. I would very much like you to participate in my research project by allowing me to interview you.

Procedure:
The purpose of this study will be to identify obstacles victims of domestic violence may encounter when they seek help from the criminal justice system and social service agencies. Your participation will usually require approximately one hour. You may stop the interview at any time. You are under no obligation to answer any question that you are uncomfortable with or that you simply prefer not to answer.

Risks:
As with any type of research project, there are minimal risks involved. The potential risks for this research project include the potential for stress if asked a question regarding a sensitive subject. You may decline at any time. The only other risks are those that may be related to your involvement in the project. However, I will keep your identity and responses strictly confidential. You will be named as an anonymous source unless you specifically request otherwise. This signed form or any taped verbal consent will remain locked in my advisor, Kate Hausbeck's office and unavailable to any other person or organization.

Benefits:
Although there are many benefits in participating in this study, the main benefits are as follows: First, you will have the opportunity to have your stories, experiences, and perspective heard and taken seriously; second, the information you provide may be used to improve social service policy and potentially improve the future efforts of domestic violence victims.

Contact Information:
If you have any questions, please contact Lisa Kopinski or Professor Kate Hausbeck at the UNLV Department of Sociology at (702-895-0372 or 702-895-0265). In addition, you may also contact the UNLV office of Protection for Research Subjects for information regarding the rights of research subjects at (702-895-2794).
1. I, ______________________________, agree to be interviewed by Lisa Kopinski. I understand that I am not obliged to answer any question that I am uncomfortable with and that I may stop the interview at any point. Furthermore, I understand that my identity will be kept strictly confidential, unless I indicate that I prefer that my real name be used.

Signature: __________________________ Date: ______________

2. I will allow the interview to be audio taped. I understand that everything that I say in the interview will be kept confidential, unless I indicate that I prefer that my real name be used.

Signature: __________________________ Date: ______________

3. I would like my name and identity to be kept strictly confidential. I understand that any information provided in this interview will be used with a pseudonym to protect my identity.

Signature: __________________________ Date: ______________

I would prefer that the researcher use my real name in the transcriptions and reporting of information that I will provide during this interview.

Signature: __________________________ Date: ______________

If you have any questions, please feel free to contact Lisa Kopinski or Professor Kate Hausbeck at UNLV Department of Sociology (702-895-0372 or 702-895-0265). You may also contact the Office of Sponsored Programs for information regarding the rights of research subjects at (702-895-2794).

Once Again, Thank you for your participation!
Female Domestic Violence Victims and Their Negotiation for Safety

Consent Form and Release

1. I, ________________________, agree to be interviewed by Lisa Kopinski. I understand that I am not obliged to answer any question that I am uncomfortable with and that I may stop the interview at any point. Furthermore, I understand that my identity will be kept strictly confidential, unless I indicate that I prefer that my real name be used.

Signature: ________________________ Date: ______________

2. I will allow the interview to be audio taped. I understand that everything that I say in the interview will be kept confidential, unless I indicate that I prefer that my real name be used.

Signature: ________________________ Date: ______________

3. I would like my name and identity to be kept strictly confidential. I understand that any information provided in this interview will be used with a pseudonym to protect my identity.

Signature: ________________________ Date: ______________

I would prefer that the researcher use my real name in the transcriptions and reporting of information that I will provide during this interview.

Signature: ________________________ Date: ______________

If you have any questions, please feel free to contact Lisa Kopinski or Professor Kate Hausbeck at UNLV Department of Sociology (702-895-0372 or 702-895-0265). You may also contact the Office of Sponsored Programs for information regarding the rights of research subjects at (702-895-2794).

Once Again, Thank you for your participation!
APPENDIX C: SAMPLE QUESTIONS

Demographic Interview Questions

1. What year were you born?

2. How would you define your marital status?
   Married
   Divorced
   Never been married
   Separated
   Cohabitate with someone

3. Please indicate your sex:
   Male
   Female

4. Please indicate your sexual orientation
   Heterosexual
   Homosexual
   Bisexual

5. What is the highest year of school you completed? (Please check one)
   Eight grade or less
   Some High School
   High School
   GED
   Some College
   2-Year Associates Degree
   Bachelor of Arts (B.A.) or Bachelor of Science (B.S.)
   Master's Degree (M.A)
   Doctorate (Ph.D.)

6. What race or ethnicity are you?

7. Have you ever been verbally abused? Yes _____ No _____
   If yes, how old were you when you were first abused this way?

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8. Have you ever been physically abused? Yes No

   If yes, how old were you when you were first abused this way?

9. Have you ever been emotionally abused? Yes No

   If yes, how old were you when you were first abused this way?

10. Have you ever been sexually abused? Yes No

    If yes, how old were you when you were first abused this way?

11. Please indicate your personal income for last year: (Please check one)

               Less than $25,000  
               $25,001-$35,000  
               $35,001-$45,000  
               $45,001-$55,000  
               $55,001-$65,000  
               $65,001-$75,000 
               More than $75,001

12. If applicable, please indicate your household income for last year: (Please check one)

               Less than $25,000  
               $25,001-$35,000  
               $35,001-$45,000  
               $45,001-$55,000  
               $55,001-$65,000  
               $65,001-$75,000 
               More than $75,001

13. Are you currently employed? Yes No

    If yes, please indicate your current occupation:

14. Please list your prior occupations:
Current Shelter Resident Interview Questions

How long were you in the abusive relationship?

What prompted you to leave the relationship?

Victims are often criticized for failing to leave an abusive relationship. How would you define "leaving?"

Based on your definition of "leaving," have you left this abusive relationship?

Do you define yourself as a victim?

Why or why not?

The first time you left, did you seek help?

How?

From whom?

What happened?

What were you hoping to achieve?

Did that happen?

Why or why not?

The second time you left, did you seek help?

How?

From whom?

What happened?

What were you hoping to achieve?

Did that happen?

Why or why not?

The third time you left, did you seek help?

How?

From whom?

What happened?

What were you hoping to achieve?

Did that happen?

Why or why not?

The fourth time you left, did you seek help?

How?

From whom?

What happened?

What were you hoping to achieve?

Did that happen?

Why or why not?
The fifth time you left, did you seek help?
   How?
   From whom?
   What happened?
   What were you hoping to achieve?
   Did that happen?
   Why or why not?

When was the first time you sought formal help?
   (such as legal help, called a domestic violence hotline, etc.)
   Who did you contact?
   How did you learn about that service?

Speaking of the present time, whom did you contact for help?
   Why did you contact that person/organization?
   What happened?
   What were you hoping to achieve?
   Did that happen?
   Why or why not?

Now I want to ask you about your personal goals in seeking help from the formal sources we just talked about.

In general, how did you expect their help to affect your personal life in the first month?
   (Note: Ask for each organization previously given:)
   Is that what happened?
   Why or why not?

In general, how did you expect their help to affect your personal life after the first month?
   (Note: Ask for each organization previously given)
   Is that what happened?
   Why or why not?

   Now I want to ask you about your legal goals.
How did you think those formal resources we just talked about could help you legally in the first month?

Is that what happened?

Why or why not?

How did you think those formal resources we just talked about could help you legally after six months?

Is that what happened?

Why or why not?

Have you pursued legal assistance? (If clarification is needed: Legal assistance would be actions such as filing charges against your abuser, filing for a divorce, etc.)

(If respondent answers yes):

I want to learn about some of the obstacles you encountered when seeking legal assistance.

What legal steps did you take?

How have these actions affected your life?

If you could ask for any law changes, what would you ask for?

What did you find most helpful?

(To clarify: offices, actors, legal actions, documents, etc.)

What was the most frustrating part of the process?

Where are you in achieving your ultimate goals?

Do you feel your ultimate goals are within reach?

Why or why not?

Concerning the people you have come into contact with, who do you consider an official?

(For each listed, Probe: Why?)
For the next set of questions, please indicate your level of agreement with each statement utilizing the following scale:

Strongly Agree    Agree    Neutral    Disagree    Strongly Disagree

(Note: Question altered for each individual identified)

"The (indicate official) believed what I said."
What made you feel this way?

"The (indicate official) listened to me."
What made you feel this way?

"The (indicate official) showed compassion for my personal situation."
What made you feel this way?

(If respondent has children):
"The (indicate official) showed compassion for my family situation."
What made you feel this way?

Now I would like to know why you chose SafeNest's services.

Why did you contact SafeNest?

How did you hear about SafeNest?

How long did you stay at the shelter?

Did you receive counseling?

How long has it been since you moved out of the shelter?

Before you came to the shelter, how did you define domestic violence?

Has this definition changed since you came to the shelter?

Before you came to the shelter, what was your definition of a domestic violence victim?

Has this changed since you came to the shelter?
Did you see yourself as a domestic violence victim?
What did you learn during your stay at the shelter?
   How has this helped you in your everyday life?
Do you have a better understanding of your options?
Of your nurturing classes you received, what do you find was most beneficial in dealing with emotional frustrations?
What would you suggest the shelter staff do to improve its' resources and/or services?

Staff and Volunteer Interview Questions

1. What are SafeNest's goals for individual women?
2. What are SafeNest's goals for the community?
3. In your opinion, do you believe SafeNest's goals for individuals are being achieved?
   Why or why not?
4. In your opinion, do you believe SafeNest's goals for the community are being achieved?
   Why or why not?
5. What impact do you think the shelter has on it's residents?
6. What impact do you think SafeNest has on the community?
   On Individual women
   Spreading knowledge about domestic violence
   Teaching non-violent ways of life
   Providing information through outlets such as the domestic violence hotline
7. When shelter residents leave, do you believe they go away more empowered? How so?
8. When shelter residents leave, do you believe they go away more knowledgeable How so?
9. When shelter residents leave, do you believe they go away more emotionally secure? How so?
10. When shelter residents leave, do you believe they go away more independent? How so?
11. Overall, what effect do you think the nurturing programs at SafeNest have on residents?
12. Overall, what effect do you think the nurturing programs at SafeNest have on non-residents who seek assistance?

13. If a former resident asks to return to the shelter, how would you feel toward her?
   Why or why not?

14. Would her returning affect your opinion about SafeNest’s program?
   Why or why not?

15. Overall, what would you suggest to improve SafeNest’s response to domestic violence victims?

Using the given scale, please rate SafeNest’s relationship with the following criminal justice officials:
(Note: This scale will be in the form of a visual illustration for the respondent to refer back to)

1  
Very Bad  2  3  5  6  
Bad  Not Sure  Good  Very Good

16. Police
   Why do you feel this way?

17. Prosecutors
   Why do you feel this way?

18. Judges
   Why do you feel this way?

Using the given scale, please rate SafeNest’s relationship with the following social service agencies:

1  
Very Bad  2  3  5  6  
Bad  Not Sure  Good  Very Good

19. MASH village
   (indicate others)

20. What made you decide to work at SafeNest?

21. Please define “domestic violence victim”:

22. Do you believe the women who come to you for help are victims?
   Why or why not?
APPENDIX D: RELEVANT CHARTS

Abuser is Arrested

Police give the survivor a Blue information card

Abuser is taken into custody, put on a 12-hour hold

Survivor has 12 hours to obtain an emergency protection order

After one week, the survivor can either: obtain a TPO with family court or extend the order

If the survivor wishes to extend an order, she must fill out an application for an extended and temporary order at the Clerk's office in District Court. The clerk or notary then certifies this application.

Judge calls an exparte ("one side only" hearing)

Judge issues a Temporary Protection Order (TPO) based on the application

(OR)

The court then sends the paperwork to law enforcement for the abuser's service; a hearing is held within 45 days of the survivor's application.
Survivors Take Action

Survivor files a Temporary Protection Order (TPO) application in Family Court

A Temporary Protection Order (TPO) is granted which is effective for 30 days

Clerk forwards the application to a judge

Judge issues a Temporary Protection Order (TPO)

A hearing is scheduled within seven days in order for the adverse party to make a statement

If a survivor chooses to Extend an Order:
- Application for an extended and temporary protection order is filed at clerk’s office, District Court
- It is verified in front of clerk/notary

Calls an exparte ("one side only" hearing

The court provides a hearing date, or "notice"

The court then sends the paperwork to law enforcement for the abuser's service and a hearing is held within 45 days of the survivor's application
APPENDIX E: GENERAL DEMOGRAPHIC INFORMATION

REGARDING SUBJECTS

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### Personal Income Last Year:
- None: 6
- $25,000-$35,000: 3
- $35,001-$45,000: 3
- $45,001-$55,000: 3

### Household Income Last Year:
- Unknown: 8
- $25,000-$35,000: 3
- $35,001-$45,000: 2
- $45,001-$55,000: 2

### Current Employment Status:
- Employed: 10
- Unemployed: 3

### Current Marital Status:
- Never Married: 3
- Married: 3
- Divorced: 1
- Separated: 8

**N= 15**
VITA

Graduate College
University of Nevada, Las Vegas

Lisa Kopinski

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Thesis Title: Female Victims of Domestic Violence and Their Negotiation for Safety

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Committee Member, Dr. Barbara Brents, Ph.D.
Committee Member, Dr. Andrea Fontana, Ph.D.
Committee Member, Annette Appell, J.D.