

## Review Symposium

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Linda G. Mills. *Insult to Injury: Rethinking Our Responses to Intimate Abuse*. 2003. Princeton, NJ: Princeton University Press. 304 pp., \$19.95 (hardcover).

### *Insults, Injury, and Injustice*

*Rethinking State Intervention in Domestic Violence Cases*

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*Since its inception*, the battered women's movement has struggled with how to reconcile the state's indispensable role in securing safety, support, and liberty for victims with its equally undeniable role in perpetuating the patterns of discrimination and privilege from which it continues to derive legitimacy. This dilemma is most vivid in low-income and minority communities where pre-existing vulnerabilities magnify the effects on personal, family, and community life of both woman battering and government support for services and equal protection. Since the introduction of shelters and mandatory arrest policies, severe and fatal violence have dropped far more sharply among Black couples than any other group (Gelles, 1997; Rennison & Welchans, 2000; Stark, 2003). At the same time, *all* state intervention in these communities is infused with a bias that disadvantages men as well as women and raises the specter that in any particular instance, protection can be more harmful than abuse (Stark, 1993). As concerns about these issues mount, conservative opponents of sanctions in domestic violence cases have been joined in their criticism by a range of progressive scholars including a number who laid the initial groundwork for current policies (Coker, 2001; Gelles, 1996;

Maguigan, 2003; Renzetti, 1998; Rivera, 1994; Schmidt & Sherman, 1996).

The introduction of state mandates in domestic violence cases shifted the emphasis in police and prosecutorial intervention from protecting individual victims seeking help to enforcing the state's interest in imposing sanctions on domestic violence offenders. Opponents of the criminal justice approach argue that this process turns victims into adjuncts to legal proceedings, abrogates their rights as well as the rights of offenders, and substitutes state control over women's decision making for control by their partners thereby increasing their powerlessness and making it difficult for women to get their needs met. Another important focus of criticism is that mandatory arrest and no-drop policies aggravate existing racial bias in policing, particularly against Black men (Coker, 2001; Richie, 2000; Rivera, 1994). If true, this is a sad irony, because much of the case law that led to these policies involved the rights of minorities to equal protection. Indeed, the overall sanction strategy adopted by the battered women's movement relied on the same principle that drove the civil rights movement: that the utility of formal rights embodied in law—in this case, the right to equal protection from harm—is a direct function of litigation, political pressure, and social action. In the case of civil rights, the discretion of employers, landlords, and others to discriminate on the basis of race was removed; similarly, with the attainment of mandatory arrest and no-drop prosecution, advocates succeeded in removing the discretion the criminal justice system had used historically to discriminate against victimized partners based on their sex or the status of their relationship. Recognizing that changing law was insufficient, the movement also strove to realign funding, policy, and service priorities to favor victims and hold state institutions accountable to the new policies, primarily at the local level. The hope was that reforming the service response in the larger context of the rights agenda would inject an element of empowerment into help, thereby returning the voice to victims that had been silenced by abusive men and minimizing the effects of structural bias.

The passage and reauthorization of the Violence Against Women Act (VAWA) reflected the success of politicizing the dialogue with the legal, criminal justice, and service systems. But entering a public dialogue through mainstream channels also had

the less benign effect of changing the battered women's movement almost as much as it did the institutional service response. This has created another dilemma: how to ensure the responsiveness of intervention to women's needs previously achieved through adversarial methods without jeopardizing the new partnerships with federal, state, and local agencies and policy makers on which advocacy organizations now depend.

This review assesses two responses to the dilemmas created by the partnership with the criminal justice system: one by Linda G. Mills (2003), a professor of social work and law and administrator at New York University, and the other a report from a workshop entitled, "Safety and Justice for All," convened by the Ms. Foundation in 2002 (hereafter referred to as the Ms. Report; Das Gupta, 2003). Mills's work merits attention less because of its originality than because of her ambitious publishing agenda, her critique of the advocacy movement, her emphasis on the intimate nature of abusive relationships, and the widespread press coverage her opposition to state intervention in domestic violence cases received (e.g., Sontag, 2002). The contributors to the Ms. Report include many of the leading advocates in the battered women's movement who helped craft the current response. It is notable, therefore, that both Mills's work and the Ms. Report share the view that the partnership with the legal and criminal justice systems needs to be dramatically curtailed. Another point of agreement is that mandatory arrest and no-drop prosecution are ineffective at best and at worst actually increase police bias and violence against women, particularly in low-income and minority communities. Mills would effectively dismantle the criminal justice response. The Ms. Report favors gradually "divesting" from our reliance on criminal justice. Both would replace current interventions with community-based responses to abuse. In addition, the proponents of disinvestment would refocus the battered women's movement on issues of social justice that affect poor women and women of color primarily and ground this focus politically in alliances with civil rights and justice organizations.

On one point critics across the political spectrum agree. Everything changes when law enforcement comes to the table. But the dilemmas that arise from the movement's partnership with law enforcement are only the most visible symptoms of its growing reliance on a range of institutional services. What began as a cre-

ative, adversarial relationship has evolved into a complex interdependency between the battered women's movement and the service establishment that continues to sap activist energy from grassroots shelter organizations, narrow their political agenda, and alienate the advocates from potential allies in other facets of the justice struggle. Against this background, advocacy has been widely reduced to missionary casework. As shelters became players in the social service game that they originally hoped to change, public pressure for traditional institutions to close the gender gap in services to women atrophied thus allowing them to drift backwards toward the dependency-inducing, top-down, and often victim-blaming practices that were prevalent when the shelters opened. Our challenge is two-fold: to restore an activist face to the domestic violence revolution and make the helping and criminal justice systems—and the political economy behind them—more responsive to women's needs.

### INSULT OR INJURY?

In an influential article in the *Harvard Law Review*, Mills (1999) argued that state mandates for action in domestic violence cases "visit upon these victims an entirely distinct violent interaction" (which she calls "emotional violence") that deprives them of independence through a pattern akin to battering thus "killing them," albeit "softly" (p. 52). In subsequent articles, Mills (1996, 1997, 1998a, 1998b, 1999) extended her critique of criminalization to the "mainstream feminists" she believes are responsible for this policy. In *Insult to Injury* (2003), she goes further, contending that the harms caused by mandated justice interventions are examples of violence against victims by mainstream feminists who use the state as a proxy to exert power over women because they have not processed the violence in their own lives. Mills also proposes an antidote to these problems.

The claim that interventions can aggravate battering is not new, although it is worth reiterating. A core feminist theme in the early shelter movement was that the institutional systems to which battered women turn for help reproduce their dependence and so reinforce their abuse—what Pagelow (1981) termed "secondary battering" and Schechter (1978) "psychic battering" (see also

Dobash & Dobash, 1979; Stark & Flitcraft, 1996; Stark, Flitcraft, & Frazier, 1979). These early analyses sought to close what Rieker and (Hilberman) Carmen (1984) identified as the gender gap in services by targeting our "long march through the institutions" to structures and systems that perpetuated inequality as well as biased attitudes and practices. Our ultimate goal was to ensure that battered women's voices were heard by these systems and that they were afforded the equitable and respectful access their predicament merited. Mills's (2003) critique starts from a very different premise: that it is the *intimate* and *individualized* nature of domestic violence that makes punitive state interventions inappropriate. Mills argues that mandatory interventions undermine women's agency (e.g., their right to choose how police will respond), disempower men as well as women, and subsume the diverse needs and wants of violent couples to a standardized response. She identifies this response with a stereotyped conception of victims as helpless and dependent and a formula for what victims *should* do (call the police, get a protection order, separate, and press charges). Victims who fail to fit this mold or select other options, such as choosing to remain with the abusive partner, are stigmatized. Mills also rejects the criminalization of abuse, because the propensity to blame one party (the perpetrator) while exonerating the victim fails to recognize the contribution both parties make to the violence.

Mills (2003) would maintain arrest, prosecution, and incarceration as options available to men and women only in "*some* [italics added] life-threatening cases" (p. 5). To replace sanctions, she would triage violent couples to Intimate Abuse Circles (IAC), a programmatic intervention loosely modeled after the Truth and Reconciliation process developed in post-Apartheid South Africa and similar efforts elsewhere. Clients would normally enter the IAC process voluntarily, preferably as an alternative to prosecution. If they did not, however, the state could use arrest (Mills, 2003, p. 112), its subpoena power, or even detention (primarily after a second offense; Mills, 2003, p. 106) to secure participation. IACs would be facilitated by mental health professionals who have come to terms with violence in their own lives and are trained in "narrative therapy," a "postmodern" technique predicated on the belief that "we never really know anything objectively" (Mills, 2003, p. 121) but can only "deconstruct" stories

(such as Nate's "king of the castle" story or Sandra's "cook" story in the example Mills gives). The IAC process would occur amidst a "community of caring" that includes experts (to prevent victim blaming), community leaders, and friends who can support the couple and keep them from disassembling. As each party to the violence accepts their "responsibility" for contributing to the dynamic, they are guided to "reconstruct" their stories around options they choose and "reposition themselves in ways that are constructive and fulfilling" (Mills, 2003, p. 124).

### NATE AND SANDRA

To illustrate the workings of the IAC, Mills (2003) describes how Sandra eases the fear of abandonment that triggers Nate's violence by reassuring him of her love. In turn, Nate "feels comfortable giving Sandra the movement she desires" (Mills, 2003, p. 124) to work outside the home. Nate is angered by Sandra's failure to cook the meals he expects in a timely way. But after participating in the IAC, he accepts that she will cook fewer meals (they can get take-out more often on her new wages) and that some meals may not be on time. If Nate had been unwilling to change, Sandra had become more aggressive, or the violence had escalated, the IAC system could have helped Sandra and Nate separate nonviolently, providing this was what she or he had chosen.

Mills's (2003) attribution of responsibility to *all* parties rests on her belief that we have all experienced (and committed) intimate violence thereby making it arbitrary to designate one party as the victim and the other as the perpetrator. This belief is based on an understanding of violence as a continuum that extends from shouting and other forms of emotional abuse to shooting and is experienced differently by each person because each of us is hurt or hurts others according to our unique background and perceptions (Mills, 2003, p. 23). From this vantage, Sandra contributes to violence when she "hurts" Nate by not following his rules about cooking or excites his fear of abandonment by seeking her independence. Nate's view of the violence—that it is caused by Sandra's moves away from him toward independence—is given the same weight as his physical assault on Sandra. As Mills explains, "When a man experiences abandonment in the face of a

woman's complaints and nagging, this may initiate his violence" (2003, p. 96). To end this violence, Mills believes, we must recognize and adequately process how we have been hurt or hurt others. Failure to process these hurts underlies our own violence.

Mills's (2003) claims about the effects of state intervention are rarely supported by research or convincing case examples. In her earlier work, however, she made a persuasive case against a one-size-fits-all approach that ignores the range of abusive experiences. I also find her critique of the dominant victimization narrative compelling: The images of battered women promoted by the advocacy movement are often stereotypic, overemphasize injury and psychological dependence, and discount female aggression. Projecting such images at shelters or in public education campaigns can alienate or even disempower battered women who have not been seriously hurt, who respond aggressively to abuse, or who have done their best to retain their dignity within the rigid confines of an abusive relationship—a posture I term *control in the context of no control*. *Insult to Injury* (Mills, 2003) is strongest where these points are reiterated. Like Mills's earlier work, the book will also appeal to clinicians committed to working with abused or abusive partners but who find the rhetoric of domestic violence advocacy inflexible or even jarring.

On the whole, however, *Insult to Injury* (Mills, 2003) is longer on polemic than reasoned argument; it is highly repetitive, poorly written, and poorly edited; it is filled with ambiguous and even contradictory assertions; and it repeatedly misinterprets basic data and the conclusions of even those Mills cites favorably.<sup>1</sup> Despite Mills's academic appointment in law, *Insult to Injury* also reveals a stunning naivete about the most basic justice issues, choosing at every point where they conflict to subsume rights and equity concerns to narrow clinical criteria. In equating Nate's perception of hurt with Sandra's right to independence, for example, Mills confounds a subjective, idiosyncratic quality of personality with a nonnegotiable attribute of adult citizenship. Moreover, although Mills aims her most strident polemic against arrest policies that deny individual agency, she is willing to employ various forms of coercion including arrest and a "minimum period of detainment" to get persons like Nate and Sandra into "reconciliation" against their will. Indeed, although she favors victims being allowed to use the criminal law against a partner if they so choose,

this choice would only be put into practice if the IAC concurs. Mills would attune incarceration in these instances to its “effect on the specific perpetrator” (2003, p. 106) thereby disregarding the fact that arrest for reasons other than a criminal offense is an unconstitutional violation of civil liberties. Mills’s interest in the effect of incarceration stems from her belief that arrest and incarceration make minority and unemployed males more violent, whereas they have the opposite effect on persons with a stake in the system—an assumption I challenge below. Even if this were true, enforcing laws only among groups believed to respond favorably to sanctions is a gross violation of the equal protection guaranteed by the 14th Amendment. The primary function of incarceration in a democratic society is to punish acts that offend community standards sufficiently to merit a period of removal from normal social intercourse. Although any number of subjective criteria may enter into sentencing, it should fit the crime, not the personality or social class of the offender.

### POLITICS OR PATHOLOGY?

These examples illustrate the major failing in Mills’s (2003) proposal for programmatic reform: the elevation of a clinical conceit designed for a treatment setting to replace a justice solution derived from public deliberation. In treatment, there is nothing intrinsically wrong with proceeding from the postmodern presumption that “we can never really know anything objectively” and approaching a client’s perceptions and feelings *as if* they are true regardless of their objective correlates. But when the sociological and structural components of a public wrong are interpolated through subjective perceptions, the effect is to reprivatize and reindividualize the problem thus making the realities of sexual power and hierarchy appear ephemeral. If a man believes he is Hitler, I may work with the feelings elicited when his Jewish wife enters the room, but when I presume that his wife being a Jew *causes* his violence or I pressure her to respect his fantasy by wearing a yellow star, I have transgressed the ethical boundary that separates clinical work from law and politics and colluded in his wife’s subjugation, not merely in the man’s God story. In therapy with Nate, I might drop a plumb line from his king story or his cook rule to his fear of abandonment and even his childhood fears



of being left alone excited by his parents' violence. But when Sandra is urged to compromise her own privacy rights to ease Nate's fear, ask Nate's permission to work, or turn over her earnings so his food story can be satisfied, projected fantasy has taken on a political authority it neither merits nor can be allowed to carry, postmodern theories aside.

If mediating the realities of woman battering through subjective hurts makes for bad politics, it is also bad therapy. The assumption in narrative therapy is that clients reveal how they organize experience through their core stories. We treat the structure of these narratives, because the same themes resurface repeatedly with new content. The narrative structure of the king-of-the-castle and cook stories comes as much from the default roles of homemaker, caretaker, and boss that Sandra and Nate inherit from the inequitable division of sexual labor and benefits as it does from their childhood experiences or their failure to process hurt. Although inequalities cannot be reshaped in a treatment setting, by bringing these links to consciousness and helping couples see how adherence to stereotypes causes tension and pain, optional stories that affirm mutual strength and equality and which disregard or oppose sex stereotypes become available. But even the most sophisticated forms of therapeutic work with violent couples is unlikely to unravel the dynamics of battering, let alone affect its course, unless the personal issues are traced to the structural realities that shape how they are perceived and played out. Nate may modify his king story by accepting a modicum of independence for Sandra. His violence may cease. Without addressing the material foundation of the privileges he gets when she cooks for him on time, however, it will only be a matter of weeks before the same narrative structure is storied through another set of experiences, perhaps Sandra's inadequate behavior at work or her insufficient contribution to take-out, and new rules for her behavior are rolled out. In work with battering, the issue is never *the* issue. Whether the story presented involves Sandra's responsibility for meals, Nate's disappointment with Sandra's performance, Sandra's hesitancy to view his disappointment as her personal failure, or the resentment she feels now that the IAC has left her with two jobs for Nate instead of one, the underlying question that continues to resurface is how differences in social power will be processed in personal life. In a given encoun-

ter, we may voluntarily compromise our independence for a secondary gain, but when one adult employs violence or other illegitimate means of coercion or control to shape this exchange to their advantage, we are dealing with a dysfunction in power, not of intimacy. This is the sort of political truth that Mills (2003) denies.

### CONSERVATIVE FEMINISM

Although she mocks the emphasis on sexism, gender, or patriarchy as factors in abuse, Mills (2003) calls herself a feminist and rejects the label *conservative*. But her major themes converge with the work of self-proclaimed “conservative feminists,” such as Christina Hoff Somers (1994), who also argue that women and men are equally responsible for violent dynamics, criminal sanctions are inappropriate for intimate abuse, and mainstream feminists are responsible for exaggerating male violence and exploiting women and punishing men. The importance of the label is to recognize how some arguments against state intervention in domestic violence inadvertently reinforce right-wing agendas that favor devolution more generally. Thus, Mills is relatively uncritical of government actors—despite her claim that they are killing battered women slowly—but juxtaposes government control to individual needs and wants—as if the only alternative to current practice is to dismantle the state response in the name of intimacy and private life. The fact is that public safety and the preservation of autonomy and dignity are preconditions for personal life.

Without a single case example, quote, or illustration for support, Mills (2003) traces the current policies of mandatory arrest, no-drop prosecution, and incarceration to the fantasies mainstream feminists project of the state as an “omnipotent savior.” According to Mills, mainstream feminists have not adequately processed their own experiences of violence and so engage in “counter-transference,” defend against their natural identification with women who were battered by failing to listen to their unique stories, and then take out their unresolved guilt, shame, and anger through an unconscious desire to exert power over victims and punish perpetrators (2003, p. 49), which they execute

through the state. Any number of unresolved issues can exert unconscious influence over our thoughts and behavior, but it is unclear why so many persons with this particular experience migrated to the battered women's movement, became feminists, or managed to translate their unresolved psychological issues into the political changes Mills abhors. What *is* apparent is how much of Mills's own unprocessed anger appears through the image she creates of mainstream feminists and how little she has listened to what is actually being said by and around the battered women's movement. I cannot say whether, like the objects of her scorn, this posture also reflects an inadequately processed experience with violence.

### COMMON COUPLE VIOLENCE OR COERCIVE CONTROL?

A final issue is the identity of those Mills (2003) proposes to rescue from mandatory arrest, no-drop prosecution, and mainstream feminists. In fact, the population Mills describes and would triage to the IACs includes very few of the women or men who come to the attention of shelters, the police, or the courts.

To illustrate the inappropriate use of mandates, in her *Harvard Law Review* article Mills (1999) describes a "typical" case of woman battering. A woman presents an injury from an "accidental fall" that occurred shortly after a "single altercation" with her partner. Against her wishes, the physician treating the fall calls the police and the partner is arrested, spends 3 days in jail, awaits prosecution, and may lose his job and health coverage for a disabled daughter.

Few scenarios could be *less* typical of the cases we encounter. Like Mills's (1999) patient, some battered women are assaulted only once. But the vast majority of those who remain in a relationship are assaulted multiple times with a substantial minority suffering dozens, even hundreds, of assaults. Because only a tiny proportion of these assaults are presented at medical sites or to police, the presentation of even a single altercation opens a window to a possible history of abuse. The probability that police will be called from a medical site (even where medical reporting is mandated) is minuscule. Indeed, police are called in fewer than

2% of *all* partner assaults and even in only 7% of *severe* assaults. When police *are* called, estimates of the number of batterers arrested range from 3% to 13.9%. In the Milwaukee study Mills cites repeatedly to support her case, 95% of the men arrested were not prosecuted and only 1% were convicted (Schmidt & Sherman, 1996; Sherman et al., 1992). Overall, only 1 man in 100 of those arrested in the National Institute of Justice (NIJ) replication experiments went to jail. So, even if we assume the altercation and fall form part of a pattern thus making the 3 days of incarceration seem less horrific, the probability of arrest and imprisonment following the presentation of a fall at a medical site is about the same as the odds of winning the lottery.

What the case example illustrates is the sort of dynamic Mills has in mind when she talks about intimate partner abuse. Early in *Insult to Injury* (Mills, 2003), she adapts Johnson's (1995) distinction between "patriarchal terrorism" (which she associates with "severe violence" at "the end of the spectrum") and "common couple violence," "which reflects the more common dynamic I describe throughout the book" (p. 7). Mills (2003) assures us that the IAC process would be used primarily with the latter. Johnson did claim that patriarchal terrorism involves more serious violence, but he distinguished it from commonplace fights not by the level of assault but by the added element of control when partners deploy direct, structural constraints on a victim's autonomy (such as taking their money or not allowing them to drive) as well as physical assault. My own work suggests that the violence that typically accompanies control strategies in battering is frequent, even routine, but primarily low level rather than severe. Moreover, the combination of coercion and control is gendered: Of the 97 cases of patriarchal terrorism Johnson identified, only 3 involved male victims. I have never encountered a heterosexual case of coercive control involving a male victim. This is because this pattern of malevolent behavior relies heavily on exploiting sexual inequalities, not because control is less likely to be a motive for women's violence than for men's. Patriarchal terrorism or coercive control compromises a woman's liberty and autonomy as well as her physical integrity by establishing an objective state of isolation, fear, deprivation, and subordination. This makes it uniquely unsuited to management in a context like the IAC that is governed by the assumption that the parties enter

the process as relative equals and so can freely express their feelings and exercise choice. Interventions that focus on violence but not other aspects of coercion and control are unlikely to restore a victim's freedom or safety.

If patriarchal terrorism only occurs at the end of the spectrum, its reality is irrelevant to Mills's (2003) case. In Johnson's (1995) view, however, patriarchal terrorism (rather than common couple violence) describes the typical experience of the battered women who call police, respond to crime surveys, or show up in shelters or at medical sites. A growing body of evidence supports this claim. For example, Buzawa, Hotaling, Klein, and Byrne (1999) found that 60% of the men arrested for domestic violence in Quincy, Massachusetts, controlled their partner's money; a third also controlled their transportation, and a significant proportion also exercised three or more other forms of control. Nor are these the intimate relationships Mills believes merit noncriminal treatment. She writes, "Women stay in violent and abusive intimate relationships . . . because they have an intimate relationship with and emotional attachment to their partners, their children, and the life they have built" (Mills, 2003, p. 9). But in Quincy, a majority of men arrested for domestic violence were *not* living with the victim at the time of their assaults. The vast majority of victims identified by crime surveys or in hospital settings are also single, separated, or divorced rather than married. Intervention predicated on a dual commitment to the relationship is largely irrelevant to this population. In the typical case of intimate or patriarchal terrorism, not only violence but also control strategies continue during separation. The durability of abuse in these instances reflects the fact that *men* stay in the picture and maintain the relationship by extending their tactical control through social space, as well as over time, by stalking or monitoring a partner's movement, for instance. Mills correctly argues that the narrow range of responses to battered women is insensitive to the complexity of abusive relationships, the array of strategies they employ, and their emotional needs. Ultimately, however, it is the batterer's continued access to and control over his partner that determines whether abuse will continue in cases of battering, not a woman's decisions. This is why outside interventions that limit a perpetrator's access to a partner remain so important.

In marked contrast to the problems with which shelters and police must deal, “common couple violence” is the typical pattern picked up by the random population surveys from which Mills (2003) draws her claim that women are as aggressive as men. These data also show that “mutual violence” is the modal dynamic among “violent couples,” making it reasonable to assume that both parties share some, though not necessarily equivalent, responsibility for the violent dynamic. Relationships involving common couple violence are relatively stable, the violence may decrease over time rather than escalate as it does in other abusive scenarios, and couples where aggression is high may also report high levels of marital satisfaction (O’Leary, 1988; O’Leary et al., 1989)—indicators that mediation or counseling might be helpful. What is key from our vantage is that participants in common couple violence do *not* typically seek outside assistance and rarely call police or consider the violence a crime. As soon as Johnson (1995) recognized it, it became apparent that the population surveys were describing a different population and a different phenomenon than those picked up by crime surveys or seen at shelters or other points of service.

This leaves Mills’s (2003) work without a clear subject. The proposition that we should triage cases of common couple violence to community-based support programs rather than the criminal justice system is reasonable, if debatable. But such a proposal has only the most oblique relevance to current criminal justice policies or the types of woman battering that concern mainstream feminists. Current domestic violence laws technically encompass instances of common couple violence—a fact that could explain why implementing these policies leads to an increase in dual arrests. As a general rule, however, the persons involved in these fights rarely come to public attention because only a small proportion seek outside assistance. By contrast, when mainstream feminists define women as the primary victims of battering and point to sexism and sexual inequality as its source, they are talking about victims of coercive control and domestic assault, not the cases Mills would triage to the IACs. Because participants in common couple violence would not normally seek outside help, however, we might question the appropriateness of using coercive means or other pressure to get them

to enter counseling. The issue here is whether any added benefits in conflict resolution derived from the IAC process are sufficient to justify the invasion of privacy rights.

Very different questions arise if Mills (2003) intends to use the IACs to manage the modal cases seen by police, shelters, and other service systems. Mills prefers the IAC process to criminalization because of the "intimate" nature of the relationships involved, the contribution of both parties to violence, the necessity to respect "choice" or agency, the low level of violence involved, and the insensitivity of law and criminal justice to the range of experiences and needs in abusive relationships. Because the typical case of coercive control or patriarchal terrorism is gendered in its substance and dynamic, assigning mutual responsibility is a stretch both empirically and ethically. Moreover, because a substantial proportion of perpetrators are not even living with the victimized partner, intimacy is likely to be a non-factor, at least from the victim's standpoint. Although violence may not be injurious, the fact that it is typically routine suggests a cumulative weight to the oppression involved that converges with the most severe cases Mills wisely excludes from the IAC process. The fact that control tactics are in place that extend over time and social space, jeopardize a victim's autonomy and liberty, exploit her resources, and isolate her from the supports Mills would enlist suggests that the freedom of participants to choose among options and other prerequisites for the IAC may also be lacking. In sum, even if the IAC process or a similar approach might be useful in reducing violence among couples who use force to resolve their differences, it has little or no relevance to the main problem with which the advocacy movement is concerned: the use of coercion and control to establish male domination by entrapping women in personal life.

### **DOES MANDATORY ARREST INCREASE VIOLENCE AND RACIAL BIAS?**

Mills (2003) repeatedly cites the two empirical claims that underlie a broad range of criticism of current criminal justice policies: that mandatory arrest leads to an escalation in domestic violence against Black women and other vulnerable populations and actually increases racial bias in policing thus hurting the very peo-

ple we want to protect. In fact, there is little evidence for either of these claims.

The first point that needs reemphasis is that arrest, prosecution, and imprisonment for domestic violence are too infrequent to affect overall rates of violence one way or the other. Moreover, because the vast majority of domestic violence offenses are non-injurious and the law employs an incident-specific definition of the crime, cases that are filed are almost all charged as second-class misdemeanors—a gross trivialization of the tactics deployed in most cases of battering. If anything, some men undoubtedly interpret these minimal consequences as permission to continue their abuse. But even if arrest has little impact on overall rates, does it increase violence among some groups of men as critics claim?

What Mills (2003, p. 37) refers to as “strong empirical evidence” for this contention actually comes from a single source—one of the five NIJ experiments designed to replicate the Minneapolis finding that arrest significantly deterred repeat partner violence. Police at each NIJ replication site were randomly assigned to arrest or implement other interventions in misdemeanor cases. According to victim interviews, the most reliable measure of actual deterrence—arrest—had a significantly greater deterrent effect than other police interventions in Miami and Colorado Springs, had a slightly greater deterrent effect in Omaha, and made no overall difference in Charlotte. But in Milwaukee, the deterrent effect of arrest evaporated 30 to 60 days after the initial call and was actually reversed after 6 months. Moreover, in Colorado Springs and Omaha, but most markedly in Milwaukee, unemployed and unmarried men (who were disproportionately Black) had higher rates of recidivist domestic violence than married and employed men, leading Sherman (1993) and Sherman et al. (1992) to claim a 53.5% increase.

In fact, nothing in any of the experiments or any other published research supports the argument that arrest *increases* violence, even among Blacks. To the contrary, in the multicity study of “femicide,” Campbell and her colleagues (2003) found that a prior domestic violence arrest was associated with a *decreased* risk that an abused woman will be killed. What the NIJ data suggest is that, in Milwaukee, arrest may be less effective in *reducing* repeat acts of violence after 6 months than other forms of police involvement.



The empirical claim that arrest is particularly harmful for Blacks rests on Sherman's (1993) interpretation that, in Milwaukee, "for Whites, arrest cuts the frequency of repeat violence in half. For Blacks, arrest increases the frequency of repeat violence by a third" (p. 179). A page later, however, Sherman stated that "when the effects of unemployment are controlled . . . there is no difference in arrest effects by race" (1993, p. 180). Indeed, earlier in the book, he admitted, "It is not at all clear why racial differences might explain the differences in these results, or even that they do. When the social correlates of race are controlled, the race effects tend to disappear, at least within cities" (Sherman, 1993, p. 149).

The replication studies employed a cross-sectional, incident-specific design that took no account of the long-standing history of prior violence that typifies most battered women's experience. Sherman believed employed men reduce their violence more than unemployed men after an arrest because they have more to lose. A more plausible explanation is that some groups are more violent than others after police intervention because *they were more violent to start*.<sup>2</sup> Thus, the different postarrest rates reflect the failure of researchers to control for the duration and frequency of prior abuse, not an effect of arrest at all. This explanation is supported by the most important and least discussed finding from the replication studies: that repeat violence was extraordinarily common among *all* groups in the experiments thereby making the debate about intervention effects largely academic. In Charlotte, one of the replication sites, almost a third (31.0%) of victims reported experiencing another assault within 2 weeks of arrest, and by 6 months, the proportion had almost doubled (61.5%; Hirschel & Hutchison, 1996). This is the lower limit of *failure*, because it excludes offenders who substituted control for violence, waited 6 months before their next assault, separated from their victims, or abused new partners.

Mills (2003) repeatedly claims that punishment "backfires," particularly against Black women. To the contrary, given the fact that only 1 arrested perpetrator in every 100 was punished with jail in Milwaukee, it is remarkable that incident-specific arrest had any effect whatsoever. Yet, even in Milwaukee, so-called short or 3-hour arrests reduced the probability that a victim would be reassaulted when police left or the man got out of jail from 7% to

2%—a change that translates nationwide into the prevention of hundreds of thousands of assaults (Schmidt & Sherman, 1996).

### DO MANDATORY POLICIES DISCRIMINATE AGAINST BLACKS?

The charge that the women's movement is promoting policies with discriminatory effects merits serious consideration, particularly in light of its history of minimizing minority concerns. Black and Latina men and women are proportionally more likely than Whites to be arrested for domestic violence crimes and charged with aggravated battery versus a less serious offense (Stark, 2003). Although mandatory arrest may explain these racial differences, other possible causes include police bias, the greater prevalence and seriousness of domestic violence among Blacks, and the greater propensity of Black and Latina women than White women to call police. According to Bureau of Justice statistics, for instance, Black women report victimization in general at a higher rate (67%) than Black men (48%), White men (45%), or White women (50%) (Mahoney, Williams, & West, 2001; Stark, 2003). Minority women historically have used police to restore order during domestic disturbances, and some feel betrayed where arrest is mandated. The special vulnerability of poor and minority women to battering reflects its occurrence amidst the torrent of abuses they experience at work, on the street, or from so-called helpers.

The use of police and other governmental agencies to oppress Black and Latina communities is an unclosed chapter in U.S. history. So-called *broken windows* strategies that target nuisance crimes and other low-level misdemeanors disproportionately hurt minorities—a fact that is reflected in the more extensive criminal records they carry into domestic violence cases and the greater probability that they will be tried and sentenced for domestic violence crimes than Whites (Peterson, 2001). But the critics who emphasize discriminatory arrest practices miss an equally important fact: that police bias was expressed historically in domestic violence cases through *nonintervention* and *nonprotection* of Black women and Black men. This not-so-benign indifference to couples whom police viewed as “normal primitives”

(Hawkins, 1987) harmed communities of color at least as much as more palpable expressions of racism largely because disadvantaged communities lack the material or social resources to be self-sustaining, let alone to adequately protect themselves from internal or external predation. The most dramatic results of this failure to protect is the fact that partner homicide is the leading cause of death for Black women younger than age 45 and that Black women are also more likely to fight back and kill their partners than White women (Stark, 2003). Critics of how arrest harms Black men and women in domestic violence cases show an astounding lack of appreciation for the devastation wrought by domestic assault and coercive control on Black and Latina families and communities.

The question is whether mandates have worked as intended or increased racial bias in policing as Mills (2003) claims. Although the evidence is far from conclusive, research bearing on this question strongly suggests that mandating arrest reduced bias in arrest, increased the willingness of Black women to call police, and contributed to a sharp drop in the killing of Black men by their partners.

Kimberly Crenshaw (1994) argued that many women of color are unwilling to call police and "subject their private lives to the scrutiny and control of a police force that is frequently hostile" (p. 103). Data from areas that mandate arrest, however, indicate that Black and Hispanic women currently report their victimization at higher rates (67% and 65%, respectively) than White women (50%) or any other group (Rennison & Welchans, 2000). Importantly, high levels of reporting by Black women do not appear to reflect a greater incidence of domestic assault among Blacks, and they occurred while severe partner assaults were dropping sharply in the Black community (Stark, 2003). If minority women do call police, Mills (2003) argues this is because they have few alternatives, not because they want a partner arrested. Interestingly, however, when police relied on victim discretion in making arrests in Detroit, an approach Mills favors, the largely Black minority who were dissatisfied with police decisions favored *more* aggressive behavior, not less (Buzawa & Buzawa, 2003). Combined with utilization of shelters by Black women, it is likely that the growing propensity for women of color to call

police rather than retaliate has contributed to the 77% decline in severe and fatal partner assaults by Black women on Black men since 1976. There has been no parallel decline in partner homicide among Whites (but cf. Dugan, Nagin, & Rosenfeld, 2001).

Contrary to what Mills (2003) and other critics claim, mandatory arrest policies have reduced police bias in arrest, not increased it—another factor that contributes to the growing use of police by minority women and the consequent drop in homicide and serious assault in minority communities. Evidence for this comes from Duluth, Minnesota. In 1981, when police had full discretion in arrest, African Americans and Native Americans comprised 1.3% and 0.86% of Minnesota's population, respectively, but 9.3% and 4.23%, respectively, of those arrested for domestic assault. The disproportion was even higher in Duluth where men of color comprised 32% of those arrested. As the law intended, domestic violence arrests for all races increased sharply when proarrest policies were introduced and again when arrest was mandated. Importantly however, the *proportion* of minority men arrested dropped to 13.3% when arrest was encouraged and to 8.5% when it was mandated—approximately the same as the proportion of Blacks and Native Americans in the population (Zorza, 1994). Steinman (1991) also reported a drop in the proportion of minority arrests (from 32% to 27%) after the adoption of a proarrest policy.

If neither an arrest nor mandatory arrest *increase* violence or racial bias, nor do they reduce violence to any substantial degree. This, I believe, is largely because current domestic violence law is predicated on an incident-specific understanding that effectively turns a devastating pattern of coercion and control into a second-class misdemeanor. There is some evidence that the introduction of mandatory arrest increases dual arrests, largely because it pressures police to enforce the letter rather than the spirit of the law thus resulting in heightened intervention in cases of common couple violence. The group that has suffered most from dual arrests is young, unmarried White women, not Blacks (Martin, 1997). Of course, reduction in violence is only one of many aims of mandatory arrest policies. If the credibility of laws depended on whether they reduced crime, statute books would be empty.

## SAFETY AND JUSTICE FOR ALL

In contrast to Mills (2003), the Ms. Report (Das Gupta, 2003), *Safety and Justice for All*, approaches the partnership with the state as a strategic dilemma that threatens to make the advocacy movement moribund. The result is an unusually sober self-examination that attempts to balance the costs and benefits of divesting from the criminal justice system.

The Ms. Report (Das Gupta, 2003) echoes many of the same themes identified by Mills (2003): that the advocacy movement is overreliant on the state for protection, funding, and services; that the current approach is unresponsive to the diverse needs of battered women; that the arrest and prosecution of batterers have “eroded the rights of defendants;” and that mandatory arrest, in particular, increases violence and racial bias in policing—a claim shared by a broad range of critics. The unique contribution of the report is its proposal for change. Like Mills, the report calls on the battered women’s movement to pull back from overreliance on state intervention in favor of greater diversity and inclusiveness including “fairness to men.” But instead of urging that we return abuse to the private realm for solution by replacing public sanctions with counseling and other options tailored to individualized needs, *Safety and Justice for All* calls for new leadership to combine innovative, community-based approaches with heightened and broad-based political activism. *Safety and Justice for All* poses questions that are fundamental to restructuring the current response. The report asks,

What . . . is the appropriate role of the state in preventing violence against women? . . . Are we over-relying on the criminal legal system? Have we gone too far or not far enough in developing and utilizing legal strategies for addressing violence against women? Would a questioning of legal intervention turn back the clock to the “old days” when the state would not intervene at all in abuse of women within families or on the streets? (Das Gupta, 2003, pp. 1-2)

The report considers four alternative responses, two of which are also offered by Mills (2003): that we “de-criminalize” abuse because “any reliance on the criminal legal system is overreliance” (Das Gupta, 2003, p. 6) and that we eliminate mandates because they deny women choice and are unfair to men. A third

alternative is that we fine-tune the current system to make it more responsive—an option that describes current discussions surrounding VAWA III and burgeoning attempts to repackage existing services such as one-stop service centers and consolidated “family violence courts.” My view is that few benefits are likely to accrue from reforming the current system, regardless of whether we strengthen or tighten mandates, unless its incident-specific understanding of domestic violence is replaced by a nuanced response that differentiates commonplace fights, frank assaults, and coercive control.

The final alternative offers a helpful path out of the current morass. This strategy would hold government accountable for protecting women through law enforcement but rely on advocacy to do so rather than the current partnership from which we would disengage. Ownership for *ending* violence against women would be returned to communities where programs could broaden available options to include forms of counseling, compensation, restorative justice, education, or intervention not currently available. On a larger front, the battered women’s movement would align with a range of progressive organizations to shape a broader, more comprehensive state responsibility for the justice concerns of oppressed people. The report only hints at the elements of such a strategy. At a minimum, it would involve the reactivation of a political movement focused on the multiple issues that constrain women’s lives including but extending beyond violence to housing, employment, health, and family support. In place of the “narrow, punitive focus of criminal legal strategies,” the report calls on government “to assume broader responsibility and accountability for guaranteeing the basic human, economic, civil, political, and cultural rights of all human beings” (Das Gupta, 2003, p. 19). This is a more self-conscious version of the vision that rooted the domestic violence revolution at its birth.

The Ms. Report (Das Gupta, 2003) has several glaring omissions, including an overreliance on the same flawed data sources mined by Mills (2003). It neither mentions coercive control nor deals with the structural roots of woman battering in sexual inequality. Although the proposed “justice” agenda would undoubtedly ease the burden of battered women who are poor, it is unclear how or even *if* it would address the sexual inequities that place women at risk in all income groups. The report jumps

from the proximate needs of victims to a broad human rights agenda without stopping to note the programmatic steps in between, particularly those specifically related to the women's agenda. Yet, it is how to translate the structural dimensions of women's oppression in personal life in programmatic terms that poses the greatest challenge to a reinvigorated advocacy movement. The report promotes community-based alternatives to criminal justice and alliances with other progressive constituencies. But, it finesses a number of critical problems this strategy poses.

The question of what it means to emphasize *community-based* services or program initiatives requires extensive discussion. One model was reflected in the early shelters where direct service to a diverse constituency was combined with an empowering experience of collective self-help and advocacy for system change. If safety was an immediate palliative, systems change was the antidote to continued vulnerability and the provision of service the means to build a constituency for political action on an expanded scale. Its role as an incubator for activism and collective self-management offered minority and low-income women a welcome alternative to the demeaning experience associated with other human services. Going beyond violence to consider liberty and justice dimensions of women's oppression may also mean reconceptualizing shelter as a space opened within the community where "victims" live and treating their immediate oppression as a signal of the condition affecting all women in that world.

The second community model is more traditional. Here, volunteers, residents, or low-paid staff members deliver a program component (food, clothing, education, counseling) to a distinct target population, often in lieu of or as a support to a similar function normally performed in the private or public sector. Examples in the domestic violence field include the volunteer crisis intervention teams New Jersey police utilize to counsel domestic violence victims after an arrest or the support groups provided for dual victims (usually mother and child) in Connecticut. Such programs may perform a vital service, but there are few controls over the quality of services delivered; capacity is extremely limited; vital services such as housing, employment, or safety are rarely included; and intervention tends to be incident specific or crisis oriented rather than involve the sustained commitment needed

in the typical cases of woman battering. Most important, the fact that such programs are nested in the community and depend on its good graces reduces their capacity for publicly visible political action, even when the mission includes advocacy. How would such a nested program be able to deal with same-sex battering, for instance? Such programs may be sited *in* the community, but the community rarely owns them. Residents, program participants, or other members of the groups targeted for service rarely have more than minimal input into how these programs are conceptualized, implemented, or controlled. These were the patterns to which shelters offered an alternative.

The proposals for community-based alternatives to criminal justice in the Ms. Report (Das Gupta, 2003) are largely limited to the second, more conventional type. These range from uncontroversial educational efforts in the schools to an “alternative 911 that rushes community residents to a crisis scene” and “community squads to intervene with batterers” (Das Gupta, 2003, p. 19). Such proposals rival those offered by Mills in their insensitivity to privacy rights, their naivete about the dangers posed in abusive situations, and their incapacity to see beyond emergent incidents to the ongoing structural forms of oppression reflected in coercive control. What is lacking are the proximate organizational forms that would link politics, advocacy, and service and so translate the immediate needs of women into a feminist and human rights agenda.

Another question involves the ambiguity associated with the notion of *the community* as a locus for change. In the minds of many progressives, *community-based* suggests a positive alternative to government-run, bureaucratically organized, dependency-inducing services. The report insists that community identification is the “lifeblood” of people of color (Das Gupta, 2003), but the opposite is equally true. Even in the American South where Blacks have the deepest roots in local communities, virtually every major reform bearing on racial, political, or economic justice has resulted from federal policy, not state or local initiatives—a major reason why American Blacks have historically looked to the federal government as the principle source of their rights, albeit skeptically. In the national dialogue about race, meanwhile, *community* is a common prefix to programs drawn in opposition to integrated schooling (such as *community* or *neighborhood*



schools) or racial justice. The report uses terms such as *community ownership* to convey a sense of empowerment. In common parlance, however, this entrepreneurial jargon reflects its origin during the Nixon presidency when vastly underfunded, neighborhood-based Community Development Corporations were offered to low-income and ghetto communities as self-help alternatives to federal entitlement programs. More often than not, programs promoted in the name of "community empowerment" are the result of government divestiture of responsibility for problem solving, racial isolation, and domination of local planning by religious leaders, professional "experts," and small businessmen. Moreover, the "communities" where victims live are already owned (both literally and politically) by local corporate and other elites that are unlikely to welcome direct challenges to traditional hierarchies or sexual arrangements. Nor is it obvious what *community ownership* of violence against women means in the present climate when U.S. cities have virtually no independent financial base and are held political hostage by surrounding suburbs and state governments on such vital issues as education, health, housing, taxation, environmental pollution, and welfare. In any case, the rhetoric of community-based programs must not be allowed to conceal the sexual differences in power within communities and residential subgroups that underlie coercive control.

The Ms. Report (Das Gupta, 2003) highlights the importance to battered women of a broad welfare and social justice agenda in which ending violence takes its place alongside the equally pressing needs for jobs, housing, health insurance, civil rights, environmental justice, and peace. The continuum of dominance expressed in coercive control is an excellent starting point for identifying relevant concerns for such an agenda. Addressing a victim's lack of money in a relationship provides a natural segue to a broader discussion about employment opportunities for women, particularly in nontraditional jobs as well as pay equity, for instance. But building an alliance around these issues may not be as easy as *Safety and Justice for All* (Das Gupta, 2003) suggests.

The report contends that unions, civil rights, and issue-oriented groups have kept their distance because of the advocacy movement's reliance on a law-and-order approach to battering. Perhaps. But it is also true that, except where their constituents have directly pressed women's concerns from within, these

groups have offered little support to the women's movement not only on the issue of violence against women but also on such seminal concerns as pay equity, social security reform, universal subsidized child care, and reproductive or gay rights. So, although alliances with these groups could provide critical support, particularly if federal deficits lead to even sharper cuts in local services, it would be naive to expect that forging these alliances will be any less problematic than our erstwhile partnership with the criminal justice system.

Whatever its weaknesses, the Ms. Report (Das Gupta, 2003) invites a national dialogue to assess where we are midcareer as a movement, particularly with respect to the state on whose largesse we have become ever more reliant; rethink our priorities; and reconnect with our base.

In advocating mandatory arrest and no-drop prosecution, we struggled to reconcile the critique of state services as disempowering with the equally pressing need to end the marginalization of domestic violence at two decision points where it was most evident. Were we wrong to do so? Many of the claims made by critics appear to have little substance. If mandatory arrest has not increased violence or exacerbated police bias, however, it may have increased the number of women arrested for domestic violence as well as the number of dual arrests. On the other hand, there is some evidence that mandatory arrest has reduced bias in law enforcement; improved evidence gathering and innovative prosecutorial strategies; overcome the distaste traditionally shown for victims whose history, race, or social class might identify them as aggressive; and empowered new voices within the criminal justice system who value victim empowerment alongside the pragmatics of winning or closing cases. These achievements do not negate the fact that the responses of law and criminal justice have fallen far short of our goals: protection, justice, empowerment, and accountability.

Dismantling the criminal justice response as Mills (2003) proposes would effectively nullify the state's commitment to protect adult citizens from harm in personal life. When the call to limit state intervention first surfaced among opponents of VAWA, its rightward ideological slant was transparent. Versions of the argument can now be heard from prominent domestic violence advocates as well. Divestment is a less radical approach. In the version

outlined in the Ms. Report (Das Gupta, 2003), it would not abandon law or the state as arenas for action but, rather, ground structures to hold state actors accountable in a reinvigorated political movement that draws its support from its constituent base, not from the institutions it strives to change.

In the final analysis, deciding on the appropriate mix of justice involvement, community-based initiatives, and counseling requires determining which women's voices we are hearing when we listen to battered women. Are we hearing what Carol Gilligan considered "the different voice" of women rooted in feminine instincts for caretaking, self-sacrifice, and interdependence as Mills (2003) claims? Or, to paraphrase Catherine MacKinnon (1987, p. 45), is the voice we are hearing evoked by the man who is standing on this woman's neck? The answer is that we are hearing both voices and many in addition. The challenge is to differentiate our responses accordingly.

## NOTES

1. To cite just one of many examples, Mills (2003) reports that "a majority of prosecutors find that over 55% of victims they represent are uncooperative" (p. 25). But by page 48, the majority has been reduced to only one third and their "finding" to a mere "belief."

2. The experiments looked at domestic violence offenses, not at coercive control. It is highly probable that domestic assault is a more common strategy among those with fewer resources and coercive control among those with more resources. Thus, the fact that violent reoffenses varied inversely with employment does not mean that battering via coercive control did so.

## REFERENCES

- Buzawa, E., & Buzawa, C. (2003). *Domestic violence: The criminal justice response* (3rd ed.). Thousand Oaks, CA: Sage.
- Buzawa, E., Hotaling, G. T., Klein, A., & Byrne, J. (1999, July). *Response to domestic violence in a proactive court setting*. Lowell: University of Massachusetts.
- Cambell, J. C., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M., et al. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American Journal of Public Health, 93*, 1089-1097.
- Coker, D. (2001). Crime control and feminist law reform in domestic violence law: A critical review. *Buffalo Criminal Law Review, 4*(2), 801-860.
- Crenshaw, K. (1994). Mapping the margins: Intersectionality, identity politics and violence against women of color. In M. A. Fineman & R. Mykituk (Eds.), *The public nature of private violence: The discovery of domestic abuse* (pp. 93-120). New York: Routledge.

- Das Gupta, S. (2003). *Safety and justice for all: Examining the relationship between the women's anti-violence movement and the criminal legal system*. New York: Ms. Foundation. Available at [www.ms.foundation.org/user-assets/PDF/Program/safety\\_justice.pdf](http://www.ms.foundation.org/user-assets/PDF/Program/safety_justice.pdf)
- Dobash, R. E., & Dobash, R. (1979). *Violence against wives*. New York: Free Press.
- Dugan, L., Nagin, D., & Rosenfeld, R. (2001). *Exposure reduction or backlash? The effects of domestic violence resources on intimate partner homicide*. Washington, DC: U.S. Department of Justice.
- Gelles, R. (1996). Constraints against family violence: How well do they work? In E. S. Buzawa & C. G. Buzawa (Eds.), *Do arrests and restraining orders work?* (pp. 30-42). Thousand Oaks, CA: Sage.
- Gelles, R. (1997). *Intimate violence in families* (3rd ed.). Thousand Oaks, CA: Sage.
- Hawkins, D. (1987). Devalued lives and racial stereotypes: Ideological barriers to the prevention of domestic violence among Blacks. In R. L. Hampton (Ed.), *Violence in the Black family* (pp. 189-207). Lexington, MA: Lexington Books.
- Hirschel, D., & Hutchinson, I. W. (1996). Realities and implications of the Charlotte spouse abuse experiment. In E. S. Buzawa & C. G. Buzawa (Eds.), *Do arrests and restraining orders work?* (pp. 54-82). Thousand Oaks, CA: Sage.
- Johnson, M. P. (1995). Patriarchal terrorism and common couple violence: Two forms of violence against women. *Journal of Marriage and the Family*, 57, 283-294.
- MacKinnon, K. (1987). *Feminism unmodified: Discourses on life and law*. Cambridge, MA: Harvard University Press.
- Maguigan, H. (2003). Wading into Professor Schneider's "murky middle ground" between acceptance and rejection of criminal justice responses to domestic violence. *American University Journal of Gender, Policy and the Law*, 11, 427-446.
- Mahoney, P., Williams, L., & West, C. M. (2001). Violence against women by intimate relationship partners. In C. M. Renzetti, J. L. Edleson, & R. K. Bergen (Eds.), *Sourcebook on violence against women* (pp. 143-178). Thousand Oaks, CA: Sage.
- Martin, M. (1997). Double your trouble: Dual arrest in family violence. *Journal of Family Violence*, 12, 139-157.
- Mills, L. G. (1996). Empowering women transnationally: The case for postmodern interventions. *Social Work*, 41, 261-268.
- Mills, L. G. (1997). Intuition and insight: A new job description for the battered woman's prosecutor and other modest proposals. *UCLA Women's Law Journal*, 7, 183-199.
- Mills, L. G. (1998a). Mandatory arrest and prosecution policies for domestic violence: A critical literature review and the case for more research to test victim empowerment approaches. *Criminal Justice and Behavior*, 25, 306-318.
- Mills, L. G. (1998b). *The heart of intimate abuse: New interventions in child welfare, criminal justice, and health settings*. New York: Springer.
- Mills, L. G. (1999). Killing her softly: Intimate abuse and the violence of state intervention. *Harvard Law Review*, 113, 551-613.
- Mills, L. G. (2003). *Insult to injury: Rethinking our responses to intimate abuse*. Princeton, NJ: Princeton University Press.
- O'Leary, K. D. (1988). Physical aggression among spouses: A social learning perspective. In V. B. Van Hasselt, R. L. Morrison, A. Bellack, & M. Hersen (Eds.), *Handbook of family violence* (pp. 31-56). New York: Plenum.
- O'Leary, K. D., Barling, J., Arias, I., Rosenbaum, A., Malone, J., & Tyree, A. (1989). Prevalence and stability of physical aggression between spouses: A longitudinal analysis. *Journal of Consulting and Clinical Psychology*, 57, 263-268.
- Pagelow, M. D. (1981). *Woman battering: Victims and their experiences*. Beverly Hills, CA: Sage.

- Peterson, R. R. (2001). *Comparing the processing of domestic violence cases to non-domestic violence cases in New York City criminal courts*. New York: New York City Criminal Justice Agency.
- Rennison, C. M., & Welchans, S. (2000). *Intimate partner violence*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Renzetti, C. M. (1998). Connecting the dots: Women, public policy, and social control. In S. L. Miller (Ed.), *Crime control and women* (pp. 181-189). Thousand Oaks, CA: Sage.
- Richie, B. (2000). A Black feminist reflection on the anti-violence movement. *Signs*, 25, 1133-1137.
- Rieker, P. P., & (Hilberman) Carmen, E. (Eds.). (1984). *The gender gap in psychotherapy: Social realities and psychological processes*. New York: Plenum.
- Rivera, J. (1994). Domestic violence against Latinas by Latino males: An analysis of race, national origin, and gender differentials. *Boston College Third World Law Journal*, 14, 231-257.
- Schechter, S. (1978, October). *Psychic battering: The institutional responses to battered women*. Paper presented at the Midwest Conference on Abuse of Women, St. Louis, MO.
- Schmidt, J. D., & Sherman, L. W. (1996). Does arrest deter domestic violence? In E. S. Buzawa & C. G. Buzawa (Eds.), *Do arrests and restraining orders work?* (pp. 54-82). Thousand Oaks, CA: Sage.
- Sherman, L. W. (1993). *Policing domestic violence: Experiments and dilemmas*. New York: Free Press.
- Sherman, L. W., Schmidt, J. D., Rogan, D. P., Smith, D. A., Gartin, P. R., Cohn, E. G., et al. (1992). The variable effects of arrest on criminal careers: The Milwaukee Domestic Violence Experiment. *Journal of Criminal Law and Criminology*, 83, 137-169.
- Somers, C. H. (1994). *Who stole feminism?* New York: Simon & Schuster.
- Sontag, D. (2002, November 7). Bad love/fierce entanglements. *New York Times Magazine*, pp. 50-58.
- Stark, E. (1993). The myth of Black violence. *Social Work*, 38, 485-491.
- Stark, E. (2003). Race, gender, and woman battering. In D. Hawkins (Ed.), *Violent crime: Assessing race and ethnic differences* (pp. 171-197). New York: Cambridge University Press.
- Stark, E., & Flitcraft, A. (1996). *Women at risk: Domestic violence and women's health*. Thousand Oaks, CA: Sage.
- Stark, E., Flitcraft, A., & Frazier, W. (1979). Medicine and patriarchal violence: The social construction of a "private" event. *Journal of Health Services*, 9, 461-493.
- Steinman, M. (1991). Arrest and recidivism among woman batterers. *Criminal Justice Review*, 1, 183-197.
- Zorza, J. (1994). Must we stop arresting batterers? Analysis and policy implications of new police domestic violence studies. *New England Law Review*, 28, 929-990.

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