

“Wolves” or “Blessing”?

Victims’/Survivors’ Perspectives on the Criminal Justice System

by

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ABSTRACT

The vigorous efforts of advocates to help victims of domestic violence have resulted in the criminalization of domestic violence in the United States and in various countries around the world. However, research studies indicate mixed success in the protection of victims through the use of the legal system. This study examines the experiences of 16 victims/survivors and their perspectives on the criminal justice system's (CJS) response to domestic violence through in-depth interviews throughout the state of Arizona.

This comparative study analyzes the experiences of U.S. born non-Latinas, U.S. (mainland and island) born Latinas and foreign born (documented and undocumented) Latinas who are victims/survivors of domestic violence. The empirical cases reveal that at the root of the contradictory success of the criminal justice system are a legal culture of rationalization and a lack of recognition of the intersection of systems of power and oppression such as gender, class, race/ethnicity, and of essence to this study, legal status.

DEDICATION

To my family, especially Jaime, Iara and Ariana, and to all families who struggle
everyday to live in peace in a violent world.

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Chapter 1

INTRODUCTION

Why did I even call the cops? Next time, if something happens, why am I even gonna bother calling them? Because they treated me like, ah, another one. So that was a very, very bad experience that was awful. And I never called them again, until three years later when I got my order of protection. When I said, "Enough is enough." That's when I called them again and I was blessed by, I always wanted to write this female officer a letter, but I never did. I always wanted to thank her because the other guy wasn't very nice, the male officer, but I really believe that if it wasn't for her, if it wasn't because she took the time [to go find and remove the gun the abuser had with him]. I think he would have killed us. I think he would have come back and killed us [her and her children]. So, that's, that's one good thing.

-Lorena, 31 year old Legal Permanent Resident

Lorena is only one of thousands of women in the United States who experience domestic violence and at some point make the decision to involve the criminal justice system. She is also among the many victims/survivors who find that the criminal justice system provides a mixed response to domestic violence. In this study, I analyze the experiences of U.S. born and foreign born Latina and non-Latina victims/survivors of domestic violence. The qualitative narratives of victims/survivors of diverse socioeconomic and legal status backgrounds in the state of Arizona narrate the contradictory experiences victims/survivors of domestic violence have with the criminal justice system (e.g. judges, prosecutors, probation officers and victim advocates).

Before the 1970's domestic violence victims/survivors remained out of the purview of both professional social services and the criminal justice system. Until recently the view that a wife belonged to her husband prevailed and domestic

violence was considered a private matter of no concern to the criminal justice system. In more recent years, the criminal justice system (police, judges, prosecutors, probation officers) has increased its role in the response to domestic violence with mixed success.

As current studies note (see, for example, Abraham 2000; Josephson 2005; Morash, Bui and Santiago 2000; Richie 2005), the criminal justice system fails to address women's diverse backgrounds and needs. While studies have begun to address the diversity of victims/survivors, those who are immigrants, Latinas, and even more so, those who are undocumented, continue to form a limited portion of the literature on domestic violence. In analyzing the literature on domestic violence, a host of problems inform and create challenges on conducting research on domestic violence. This vacuum augments when the focus is on immigrants and island born victims/survivors due to cultural barriers such as language, isolation and general mistrust by the immigrants of those who enter their communities to study them. Furthermore, with few exceptions, the literature on domestic violence has focused on legal status and the CJS separately. In this statewide study, I seek to minimize the lacuna in the literature by identifying and exploring the outlooks and attitudes toward domestic violence and the criminal justice system of Latina and non-Latina victims/survivors. I compare the experiences of U.S. born non-Latinas, U.S. (mainland and island) born Latinas and foreign born (documented and undocumented) Latinas who are victims/survivors of domestic violence.¹

While the criminalization of domestic violence in the 1970's in the United States is considered a major "triumph", questions regarding the efficacy and what constitutes an appropriate response by the criminal justice system, what Ferraro calls the "nightmare" (1996:77), continues to proliferate and provoke much of the current controversy and debate on domestic violence. As this study confirms, U.S. born and foreign born domestic violence victims alike, appealing to the criminal justice system continue to render mixed outcomes depending upon the perceived severity of the abuse.

Although, this study made every effort to capture a diverse group of domestic violence victims/survivors from the Latino and non-Latino community, it is not surprising that all of the 16 respondents were women.

Table 1. Profile of Victims/Survivors at time of Interview

No.	Name	Lang.	Abuse/ Location in AZ	Born	Leg. Status	Age	Shltr
1	Lorena	Eng.	Central	Mex.	LPR	31	No
2	Amy	Eng.	Central	USA	Citizen Non-Latina	41	No
3	Nancy	Eng.	Central	USA	Citizen Non-Latina	35	Yes
4	Susana	Eng.	Central	Mex.	Undoc	40	No
5	Fabiola	Span.	Central	PR	Latina citizen	34	No
6	Victoria	Eng.	Northern	USA	Citizen Non-Latina	40	No
7	Samantha	Eng.	Northern	USA	Citizen Non-Latina	26	No
8	Emily	Eng.	Northern	USA	Citizen Non-Latina	37	No
9	Mary	Eng.	Northern	USA	Latina citizen.	28	No
10	Karen	Eng.	Northern	USA	Citizen Non-Latina	36	Yes

11	Angela	Eng.	Southern	USA	Latina Citizen	49	No
12	Belen	Span.	Southern	Mex.	Undoc	36	Yes
13	Ann	Eng.	Southern	USA	Citizen Non-Latina	31	No
14	Sally	Eng.	Southern	Mex.	LPR	45	No
15	Gloria	Eng.	Central	USA	Citizen Non-Latina	34	No
16	Norma	Span.	Southern	Mex.	Undocumen ted	37	No

Statistics reveal that the magnitude and continued seriousness of domestic violence in the United States continues to befall primarily upon women.

According to Tjaden & Thoennes (2000; 2006) approximately 22 percent of women report current or former violence at the hands of a spouse, cohabitating partner, boyfriend or girlfriend, or date in their lifetime. Yet, while the majority of domestic violence victims are women it is important to acknowledge that there is a need to move beyond essentialism, homogeneity and patriarchy and consider that not all victims of domestic violence will experience the same type of abuse and as such require the same response.² This study contributes to the growing literature on legal status and domestic violence by focusing on non-Latina and Latina experiences and their experiences in the CJS. Unlike past studies, this study focuses on both legal status and the CJS in order to gain a better understanding of the perspectives of victims/survivors on the criminal justice system's response to domestic violence.

The criminal justice system's response to domestic violence has dramatically changed since the inception of the anti-violence domestic movement almost 40 year ago. Certain success can be ascribed to the movement as an

increased number of women and children who are victims of domestic violence benefit from services that insure their survival. According to the Domestic Violence Counts 2008 Report by the National Network to End Domestic Violence (NNEDV), the United States and its Territories benefit from 2,000 domestic violence intervention programs that provide services to domestic violence victims (NNEDV 2009:1). Domestic violence has become a term recognized and sanctioned in the United States and worldwide. Along with domestic violence services and the recognition of domestic violence as a crime, media coverage has come to include interviews with victims/survivors and scholars that make frontline news. Domestic violence exposure has taken on a variety of mediums, from the afternoon soap opera/talk show to the literature and trainings around the world developed to assist and educate victims and the public.

And yet despite the promising statistical data on services, the funding and education provided, and the massive campaigns against domestic violence, victims continue to struggle with barriers when seeking assistance against domestic violence. If socially the abuse of a partner is now viewed as a crime punishable by law and so many services and funds are now available to victims of domestic violence, why do victims/survivors and many scholars and activists share a sense of failure in the criminal justice system's response to domestic violence? This is a complex question that warrants a multifaceted response.

In part this is due to limited resources and the current economic crisis. According to the NNEDV 24-hour survey of domestic violence the numbers of services needed are escalating while fewer resources exist for domestic violence

providers. On September 17, 2008, the NNEDV survey reported that in this one day in the United States domestic violence programs nationwide provided services to 60,799 victims of domestic violence and over 30, 300 adults and children received non-residential services. Over 20,300 adults and their children fled their homes because of fear for their lives and requested shelter. Although the majority of requests for shelter were met, over 4,464 were unmet due to lack of funds and specialized resources (NNEDV 2009:6).³ However, the sentiments of an inadequate response to domestic violence by the criminal justice system has existed long before the current economic crisis, which indicates that other determining factors are also contributing to the dissatisfaction. In this study, as a Latina within academia, I am interested in looking at what has also been a part of my life, the multiple forms of power and oppression that intersect with social issues.

As a feminist Latina activist scholar who has worked and experienced immigration and domestic violence,⁴ I see ethnographic work as a “deeply reflexive process in which ‘findings’ are inseparable from the methods used to generate them” (Emerson 2001: 1-2). In this manner, I contend that current ethnography has taken a reflexive turn, “the recognition that fieldwork itself is a social phenomenon, inescapably part of the very social worlds it seeks to discover, describe, and analyze” (Emerson 2001:vii). While ethnographers continue to rely on some of the basic tenets of classical ethnography (field notes, observations, interviews, etc.), they grapple with long-term issues of rapport and

representation of a constructed reality in the social sciences⁵ and as they do so they revise and build upon classical ethnography.

In contrast to much of mainstream positivist research which generally seeks to attain value neutrality, this research integrates my personal experiences through reflexivity. Feminist methodologies⁶ assume that knowledge is socially constructed and therefore take care in acknowledging the positionality of the researcher. This means that the researcher shapes the research process. In feminist scholarship, personal experiences are not perceived as tainting the methods and results of research. Rather, many feminists view it as serving to validate their research by exploring “how power and difference construct encounters in the field” (i.e. Naples 2003:39; an earlier example, Stanley and Wise 1979). In my own experience as an interviewer, I was cognizant of my position of power by the virtue of my position. Although I made an effort to mitigate some of the power differentials with the interviewee by letting them know that they were in control and had rights, I still held a position of power by virtue of being the interviewer. During the telephone conversations or at the start of the interview, I would say for example, “This is basically your opinion, so it’s your interview and you can say pass if you don’t want to answer a particular question. Just give me a sign or let me know” (Interview #8). Feminist researchers have actively raised awareness of the need to explore how personal, professional, and structural positions shape social science studies and reproduction by scholars of dominant gender, race, and class biases by actually questioning their own position within research (Mohanty 1991; Naples 2003). I use my academic, professional and personal experiences to

inform my research questions, to guide my involvement in the research process, and to help test and interpret results. Similar to other feminist scholars (e.g. Smith 1987) my experience as a case manager at a clinic and a maternity center, my role as a wife and mother of two daughters and I myself the daughter of immigrants, played an important role in my choice of topic and understanding of the intersection of legal status and domestic violence.

My exposure to globalization, immigration and gender roles began with my family. Although I was born and raised in California, my campesino/working class family returned every summer and sometimes during the winter to visit relatives in my parent's hometown, Valle de Olivos, Chihuahua, Mexico. From the age of four until the age of 19, I made the trip once or even twice a year for up to three months at a time. Every year, I looked forward to the trip and began to wonder why anyone would ever leave. As the years passed, I became poignantly aware of the hardships of life in the town, the socio-economic inequality between my relatives who had remained there and those who had migrated either to the state capital of the state of Chihuahua or to the United States and the fact that, in most instances, migration was a male-initiated process, which gave men much more control than women not only of their own destiny, but also control of their wife's and children's destinies.

It was not until late in my undergraduate career that I was able to explore my interests in both gender and immigration issues at the University of California Santa Barbara (UCSB). During summer programs, I was introduced to analytic tools, first to the Sociological (survey) and then in a Mexican research project to

the anthropological (ethnographic) research method. As a graduate student, I decided to study outside of the country given my interests in Mexican women and technological changes in rural communities. I was admitted as a graduate student at the University of Querétaro (Universidad Autonoma de Querétaro-UAQ). During both my last year at UCSB and my graduate studies at UAQ, I learned at greater depth about qualitative methods such as observations, census and community mapping, genealogies, in-depth interviews, histories and complementary documentation through photography.

Although I had excelled in the program and had intended to complete my Masters, I returned to the United States due to financial difficulties. I began to work full-time as a health educator/case manager in a clinic, and later as a case manager at a maternity center at a hospital. These positions focused primarily on providing services to low-income and medically under-served Latino immigrant populations. At this point, I became poignantly aware of domestic violence as a barrier to patient's completion of medical treatment and the need for me to continue my education in order to better understand the social problem of domestic violence. As a case manager, I found myself facing experiences that demanded further exploration. For example, at one point an undocumented immigrant woman in her second trimester of pregnancy came to me after her husband had abandoned her and her one and a half year old daughter. She was experiencing domestic violence, and did not know where to go. I first tried to find shelter for her nearby, but could not find any. After much networking and mitigating, among other things, given her legal status, her fear of moving to

another county, she finally had decided to move (she had never traveled or lived outside of a predominantly Mexican community, to her this was more like moving to another country- again!). I proceeded to make all of the necessary arrangements. However, when I called the agency that could take her and her daughter in, I was informed that she would not be admitted into the shelter because she did not speak English. According to the person on the other line, she could not participate in their Bible study sessions in English and this disqualified her from their program.

At another time, an eight month pregnant woman, with a history of heart problems, and with sixteen years in between her current pregnancy and her last birth, disclosed to me that she needed help in putting an end to the violence by her aggressor. She had been reluctant to contact the police, but one day she decided that this was what she needed to do in order for him to understand that she was not alone and that she had rights. I explained to her the process and proceeded to assist her in making a report. I called the police and I can still visualize the scene of the two male police officers standing over the victim, with their hands at their waists and legs shoulder width apart, hovering over the victim sitting in a chair in front of them. I remember asking them to have a seat. They interpreted my request as me being polite and they declined the offer. At that point, I had to demand that they have a seat across the room. I took over the process from then on and had a long and detailed conversation about their physical presence in front of a victim.

I realized then that women not only face abuse in their home in the form of domestic violence, but also structural barriers from the same individuals that

are supposed to help them find safety. After five years of working full-time, I decided I would return to school, enrolled at Arizona State University and in 2003, I completed my MA in Anthropology with a focus on documented and undocumented Mexican battered immigrant women. In working with both an Anthropologist and a Sociologist during my MA, I realized that my interests in domestic violence required a “multi” “cross” and “inter” disciplinary approach. Thus, I applied to the School of Justice Ph.D. program in order to broaden my understanding of domestic violence through a more holistic approach. While an individual standpoint of the victim/survivor had been a great start, I also needed to understand the structural influences that shape the domestic violence experience and most importantly how these intersect.

After ten years of applied and academic work with domestic violence, I have learned that some of the training I received as a case manager contradicts the current literature on domestic violence and also the training offered to today’s victim advocates. As a case manager, I learned in the mid 90’s from social services professionals⁷ that the primary goal in assisting battered women was to get them to leave their abuser. Today, scholarly readings (Adelman 2000; Goodwin 2003; Stop Violence Against Women website), trainings, and my experience with victims/survivors have taught me that women are the experts and only they know when it is safe to leave. As one of the victim advocates I came to know during my volunteer work at the Arizona Coalition Against Domestic Violence said, “we may not be there eight years later when she [the victim] is

ready and feels safe to leave. We may not even ever find out that she actually left and that the miracle did happen.”

My cognizance of my role as a domestic violence and immigration scholar and activist influenced how I established my methods, facilitated interaction with informants and the data utilized for analysis. I found that while all methods have weaknesses, as Stacey (1988) brilliantly points out, “rigorous self-awareness of the pitfalls in the method enables one to monitor and then to mitigate some of the dangers to which ethnographers expose their informants” (26) and I would add themselves. Overall, social research involves a commitment to understanding and constructing a representation of the complexities of social life. While some social researchers study social relations at a global level others study the social relations of the individual. It became apparent in the development of this study, that while the use of a single method may suffice some studies, this one would require the use of multiple methods.

A Feminist Perspective

Although in conducting research, I explored a vast and multi-disciplinary body of literature, I found there are two major sociological perspectives on domestic violence, the family violence and the feminist. The family violence perspective takes more of a psychological and micro approach and uses the family, the individual characteristics of the wife and/or husband and stressor factors (such as drug and alcohol addictions, unemployment, childhood socialization, mental illness) as the main focus of analysis. Although I use both perspectives in this study, I make greater use of the feminist perspective as I place

the micro, more individual characteristics in a more macro, structural context of institutions that remain loyal to the abuser instead of helping the victim.

As Margaret Abraham (2000) points out, this approach places an emphasis on the position of the wife as the victim, considers the global pervasiveness of violence, the acceptability of patriarchy and most recently the differences and similarities of oppression. As some of the early literature on domestic violence indicates (Dobash and Dobash 1979), and later literature reinforces (Avni 1991), patriarchy, male power and authority continues to inform the organizational hierarchy of the family as male domination and control over the female partner. Feminist scholars argue that male dominance and control in the family as a whole perpetuates violence against women in the family. Yet, while feminist scholarship has served to criticize and bring domestic violence to the forefront, until recently, it had placed an emphasis on gender and therefore ignored issues such as race/ethnicity, class, and legal status that also intersect with domestic violence.

In more recent years, scholarship on the intersectionality of domestic violence (Crenshaw 1991) with multiple forms of oppression (Sandoval 2000) have revealed that domestic violence is not a monolithic phenomenon and victims exist in social contexts created by the intersection of systems of power and oppression such as class, gender, race and other biases and prejudices (Bogard 2005; Sokoloff and Pratt 2005). In essence, for some victims/survivors, domestic violence is exacerbated by further victimization outside of the abusive relationship.

Studies on domestic violence suggest that immigrant status may deter women from seeking formal help, such as calling the police (Erez 2000), and that these women remain longer in the relationship due to fear of deportation (Raj and Silverman 2002) and economic dependence (Morash et al. 2000; Perilla et al 1994). Consistent with studies such as Sokoloff and Dupont (2005), this study indicates that providing victims with culturally sensitive services without transforming structural conditions will not provide significant permanent changes to their situations.

While some measures by the criminal justice system have been taken to assist battered immigrant women, such as the Violence Against Women Act of 1994 (Goldman 1999) and the Acts of 2000 and 2005, studies such as that by Raj and Silverman (2002) indicate that some women may not want to use VAWA. These women fear deportation of their spouse, other family members or self because there are no guarantees that they will be granted Legal Permanent Residence (LPR). In these instances, immigrant victims/survivors of domestic violence tend to perceive the police and other criminal justice agencies as linked to immigration services. The quantitative, as well as qualitative, studies reviewed on domestic violence emerged from a wide spectrum of disciplines and they differed in terms of their perspectives. In more recent years, scholarship has revealed the diversity of domestic violence experiences and the need to understand the intersection of systems of power and oppression such as class, gender, race and legal status not only at an individual, but at an institutional level.

This study indicates the dissatisfaction in the criminal justice system's response to domestic violence stems from a lack of comprehensive understanding of domestic violence issues that intersect with a victim's/survivor's experience. These issues include safety and justice that often get lost in the convoluted process of rationalization (Ritzer 1983). A definition of domestic violence as physical abuse that perpetuates the perception of non-physical domestic violence as "disturbance calls" or "verbal only" disputes and what scholars refer to as non-physical abuse or coercive control (Schechter 1982; Stark 2007). In turn, the latter definition contributes to an ongoing perception by police officers and other members of the criminal justice system of the most common forms of domestic violence, non-physical and coercive control, as not "real policing" (Buzawa and Buzawa 2003; Erez 2002). This focus on domestic violence as physical abuse also contributes to a limited inclusion of who gets defined as a victim and demonstrates a lack of understanding of how domestic violence experiences become influenced by the victim's/survivor's background, including their legal status. Thus, far I have specified the contributions of this study to the feminist literature by placing legal status along with gender, race/ethnicity and class, as part of the dynamics that intersect with domestic violence and inform victims'/survivors' experiences.

However, this study also contributes to several other fields. Immigration studies on gender (such as Hirsch 2003; Hondagneu-Sotelo 1994; Pessar 1999), have found that U.S. immigration policies serve to shape immigrant family relations and women's abilities to negotiate. Consistent with recent criminology

studies on intersectionality (Erez et al. 2009) in which immigration is considered an active variable along with race/ethnicity, gender, sexual orientation and class this study analyzes legal status as another form of oppression. Latina victims/survivors born in the U.S., U.S. born non-Latinas and those with Legal Permanent Residence (LPR), do not need to contend with immigration policies that determine their rights and access to domestic violence services. Yet, for those with conditional status (in the process of obtaining their LPR) or undocumented, their legal status becomes but yet another weapon that can be used against them in an abusive relationship. Furthermore, victims in mixed status families in which the victim and/or the children remain undocumented, the status of the children may also serve as a form of threat against the victim. For those with conditional status, undocumented and those in mixed status families, legal status becomes another source for domination and control.

Yet, while those in an conditional and undocumented status face dependency and domination through their legal status, the cases of island born Puerto Rican victims/survivors in this study also point out that U.S. citizenship does not automatically translate into equal access to the criminal justice system. Utilizing what Anthropologists have been doing for some time, I question the representation of and the blaming of “other” cultures for domestic violence. In no manner, do I intend for this study to reinforce the stereotype that in “other” cultures domestic violence is acceptable. Instead, by taking into consideration the position of the other, the immigrant, I examine the criminal justice system and the

intersection of imperialism, classism, sexism and racism with victims/survivors experiences of domestic violence.

The analysis of the experiences of victims/survivors in various legal status categories serves to further understand why even when on paper domestic violence statutes appear holistic and all inclusive, on the grounds, laws and their implementations continue to produce contradictory outcomes. Immigration policies along with local state laws have and continue to influence the experiences of domestic violence.

As in other parts of the country (Schechter 1982), the movement against domestic violence in the state of Arizona initiated at the grassroots level. Before the advent of state run shelters, Arizona activists against domestic violence like Socorro Bernasconi, would mark their windows to signal their homes as sites of refuge for domestic violence victims (Salcido 2001). In time this form of sanctuary for women and children was substituted by what today are the 40 identified domestic violence programs in the state of Arizona (National Network to End Domestic Violence 2009) and 120 organizations providing domestic violence services (Program Summary Department of Economic Security Domestic Violence Report 2008). In addition, the Program Summary Department of Economic Security Domestic Violence Report (2008) indicated that in 2007, shelters statewide provided services to 10,866 clients. The number of people served represents a remarkable achievement. Yet, the report also stipulates that it turned away 10,218 clients because shelter was unavailable at the time of the request. Although the report points out that the number of clients turned away

may also represent some duplication because each shelter reports their numbers independently from other shelters, this is still approximately 50 percent of clients. Even half that number or 25 percent, would still represent clients being turned away by the thousands every year. So victims are seeking assistance and protection, thanks to the broader definitions of domestic violence, such as the one by the pioneer and leader Susan Schechter (1987):

Battering is a pattern of coercive control that one person exercises over another. Abusers use physical and sexual violence, threats, emotional insults and economic deprivation as a way to dominate their partners and get their way. Relationships in which one partner uses assault and coercion can be found among married and unmarried heterosexuals, lesbians, and gay males. Battering is a behavior that physically harms, arouses fear, prevents an individual from doing what she/he wishes or forces her/him to behave in ways she/he does not want to.

Yet there is a vast difference between this definition of domestic violence and what constitutes domestic violence under the law.

Although all 50 states now have statutes on domestic violence, each state differs in the scope and limitations. States differ on for example the relationships included under domestic violence, how domestic violence criminal codes get or do not get enforced, what constitutes evidence, and grounds for an arrest.

Interpretation of the law is often left to the discretion of individual police officers, probation officers, judges and/or prosecutors who may or may not have the required training and skills necessary to deliberate on domestic violence cases.

Arizona Statute defines domestic violence by the relationship between the victim and abuser and the type of crimes committed. Under Arizona law, domestic violence is any of the 20 crimes listed under the Arizona Revised Statutes

(A.R.S.) 13-3601, including endangerment, threatening and intimidating, simple or aggravated assault, custodial interference, criminal trespass, criminal damage, disorderly conduct, harassment, and stalking. The latter crimes under the law are considered domestic violence when they are committed against a spouse or former spouse, persons residing or having resided in the same household, persons having a child in common, a party who is pregnant by the other party, parent, grandparent, grandchild, stepchild, brother, or sister, or a child who resides or has resided in the same household. Furthermore, a conviction of domestic violence in the presence of a child is considered an aggravated circumstance and may result in harsher criminal penalty such as a longer sentence or an increased fine. In this manner, how experts and the law define domestic violence differs considerably.

What sort of training do various entities handling domestic violence cases receive? For police officers, the only mandatory training in the state of Arizona is a 14 hours out of 585 hours at the police academy, before any direct experience in the field (Toon and Hart 2005:47). In Arizona, when a domestic violence incident is taken before a judge and a case is charged, it generally does not transcend the category of a misdemeanor. As a result, the offender pays a bond and is released within 24 hours or less. Victims/survivors describe the need to change this quick catch and release policy. As the victim's/survivor's experiences indicate, even when charges get to the level of a felony, deals get made and charges diminish or altogether get dismissed resulting in disillusion for the victim/survivor. Contrary to the complaints by those in the criminal justice system against victims/survivors not wanting to press charges, this study found women who were willing to press

charges and yet found the system unwilling/unable to go as far as they were willing to take their cases.

Yet, there are instances in which victims/survivors did not want to press charges and they provided valid reasons for not wanting to do so. Sometimes the victims/survivors worked hard at building some geographic distance between the abuser and themselves only to find that by pressing charges, they would be faced with the system relocating the abuser, closer to them. Then there were the delays in the response and a lack of communication between the criminal justice system and the victims that at times resulted in leaving the victim uninformed. As this study indicates, the magnitude and involvement of bureaucratic institutions such as the criminal justice system at times focus on rationalization based on physical abuse and oddly enough this overrides all rationality and creates an irrational response that leaves a diverse population of victims without assistance and in dangerous situations.

Although it is widely understood that victims/survivors of domestic violence in general continue to experience frustration and difficulties in accessing the criminal justice system, the actual benefits and limitations of the services provided by the criminal justice system are not well understood, and remain generally understudied. While it is known that immigrant victims (documented and undocumented) face barriers in accessing the criminal justice system, it is still unclear how much of this is amplified by a lack of culturally sensitive responses and services and how much is due to the domestic violence experience. Immigration status shapes the experiences of domestic violence of Latina

immigrant victims/survivors (documented and undocumented), as legal status becomes another factor that informs their ability and willingness to participate in the criminal justice system.

Organization of This Study

Domestic violence victims'/survivors' experiences with the criminal justice system in Arizona are at the center of this study. Although I do draw upon theoretical concepts, the main focus remains upon the victims/survivors.

Throughout this study a common theme emerged as both Latinas and non-Latinas revealed that domestic violence is a social problem at the micro (abuser) and the macro (institutional) levels that intersect to insure its continuity.

Chapter 2 provides a historical overview of what has come to be known as domestic violence. This chapter examines feminist theory and how it brought to light power disparities between women and men as oppression based on gender. Analysis of the waves of U.S. feminist scholarship renders a critical view of how the feminine and the masculine are defined in various periods of time and how feminist theories shaped the scholarship of domestic violence. This chapter sets the framework for acknowledging that it is not just men that are abusive, but that we all contribute in some ways through institutions such as the family, education, and economic and legal systems that serve to reproduce the violence and the abuse. I conclude by identifying feminist theoretical emergent perspectives in the third wave of feminism that serve to address the complexities that emerge for victims/survivors, particularly for Latina immigrants' experiencing domestic violence within structures of domination in the United States.

Chapter 3 describes the use of a feminist multiple sited methods approach. I discuss and describe my approach to the development, implementation and analysis of gathered data, the methods utilized, the research site, participants, and the methods used for analysis.

Chapter 4 addresses victims'/survivors' accounts of frustration with the criminal justice systems that is characterized by rationalization. Here I draw on Weber and Ritzer to demonstrate how the criminal justice system has embedded domestic violence into a system of efficiency, calculability, predictability, substitution of human assistance for nonhuman technology and control. In doing so, I look into the barriers that women face with the criminal justice system.

Finally, Chapter 5 concludes by examining what we know about the criminal justice system and what we have learned from the comparison of Latina and non-Latina U.S. born and Latina foreign born women's domestic violence experiences in regards to the criminal justice system. I address the barriers and challenges facing the current Domestic Violence Movement and offer some recommendation based on my experience with the victims/survivors, police officers, victim advocates and other entities within the criminal justice system. Finally, I discuss the empowerment process and what victims/survivors are doing to help themselves and others.

Chapter 2

THEORETICAL OVERVIEW

Another misunderstanding: the reference to ethnology, of which I have tried to show the heuristic functions here, is suspected of being a way of restoring the myth of the 'eternal feminine' (or masculine) or, worse, of eternalizing the structure of masculine domination by describing it as unvarying and eternal. On the contrary, far from asserting that the structures of domination are ahistorical, I shall try to establish that they are the product of an incessant (and therefore historical) labour of reproduction, to which singular agents (including men, with weapons such as physical violence and symbolic violence) and institutions - families, the church, the educational system, the state - contribute.

-Pierre Bourdieu, *Masculine Domination*

In October of 2002, as a member of the Arizona Coalition Against Domestic Violence Women of Color Committee, I attended the Domestic Violence and Poverty: Building Economic Security for Battered Women and their Families Conference by the National Resource Center on Domestic Violence in Chicago. During the three day conference, I found that immigrant victims did not form a significant part of the conference. Only one session was dedicated to immigrant victims. Furthermore, the session on immigrants was specific to South Asian women and it did not go into depth on legal status. I asked myself, as others who worked with immigrant victims/survivors of domestic violence did during the conference: how was it that immigration in the 90s and 2000s had become such a socio/economic hot topic, yet in domestic violence, immigrant victims/survivors were still taking a back seat at a national conference?

To understand the current literature on domestic violence in general and more specifically the literature on Latinas U.S. born and immigrant

victim/survivors, this chapter first contextualizes feminist theory and how it brought to light power disparities between women and men as oppression based on gender. The historical analysis of feminist theoretical perspectives on violence against women reveals and leads into a discussion on how the feminine and the masculine are defined in various periods of time and how feminist theories shaped the scholarship of what today is known as domestic violence. In this section, I consider the contributions and contradictions that the first wave of U.S. feminist scholarship generated.⁸ In addition, I argue that earlier feminist waves continue to inform our understandings today on masculine domination in the United States. Therefore, I conclude by identifying feminist theoretical perspectives in the third wave of feminism that serve to address the current ways in which victims/survivors of domestic violence, particularly Latina immigrant experiences intersect with structures of domination in the United States.

Feminist theory comprises a vast and diverse body of literature that evolved since its inception in the 19th Century. In the United States feminist theory emerged in waves, the first in throughout the 19th and beginning of the 20th Century, the second encompassing the 1960s to the 1980s and early 1990s and the third wave feminism during the mid-1990s onward. These waves of feminism have contributed to gain an understanding of the issue of violence against women and what today scholars know as domestic violence.⁹ In the first wave, a white middle-class Western heterosexual feminism arose which served to inform the beginning of the second wave of feminism. It is in the second wave, Western feminisms (liberal, Marxist, radical/cultural, and Socialist) as well as U.S. third

world feminism rises in opposition to the first wave. The latter emerges out of the influence of Third World feminism and proposes the unity of all of the aforementioned forms of Western feminisms.

Waves of Feminisms

Liberal feminism develops in a context of critical social, political, economic and cultural change.¹⁰ Under such a context liberal feminism not only draws from, but also modifies and critiques Liberalism. According to Kent (2004) Liberalism legitimated the dismantling of aristocratic power and authority and the concession of the right to vote of middle-class, and later working-class, men. However, it also denied women full citizenship by depriving them of the right to vote based on theoretical biological and natural arguments based on differences between the sexes. Liberal theorists excluded women from full citizenship by denying them political participation based on natural (sexed bodies) and gendered (normative socially constructed roles) that confined women to the private sphere and made them dependent upon males. Thus, challenging the restrictions of women to a private sphere and equality with men became the hallmark of both activists' and scholars' positioning during the 19th century.

Liberal feminism contributed to an understanding of women's positioning in society in terms of unequal rights or barriers to women's participation beyond the family and household. While female writers act on behalf of ending domestic violence¹¹, it is not until later when the Women's-Rights Movement takes force that female intellectuals begin to have some influence and position themselves against domestic violence. While most experience delays in the publication of

their texts, they manage to influence the thinking of other prominent male scholars whom in their writings object to the subjection of women and condemn “wife beating” (Kent 2004).

Scholars view not only wife beating, but also the control of women by men as impinging on women’s equal rights. Several feminist writers express their concerns and experiences in their writings, taking a position against wife abuse. A prime example of this is the “Yellow Wall Paper” by Charlotte Perkins Gilman written in 1890 about a woman who goes insane as she finds herself trapped in a nursery decorated with yellow wall paper and unable to write due to her husband’s and doctor’s orders. Consistent with the negation of women’s issues at that time, Gilman’s first attempt to publish this piece is denied by the editor Horace Scudder who justifies his denial for publication in the following manner: “I could not forgive myself if I made others as miserable as I have made myself!” (Perkins Gilman 1993:7). Even though the piece was published in 1920, it remains seen as the story of an insane white middle-class woman who cannot conform to the social norm of her time. Gilman’s piece does not receive a reassessment as a literary and feminist theoretical contribution until its repeat release in 1973.

Harriet Taylor Mill also writes about the subjection of women and the injustices related to the social status given to women of her day. However, given her status of a middle-class married Victorian woman she faces delays in her writing and publications. Instead, the essence of her thinking is captured in the writings of her friend and later husband, John Stuart Mill, one of the most

influential male writers of his time. John Stuart Mill writes in the *Subjection of Women* (1896) that his ideas on marriage and the subjection of women to men are influenced by another individual's thinking whom he hopes one day may be able to publish. As Rossi's *Essays on Sex Equality* indicates, "Mill refers to many of his publications from 1840 onward as "joint productions" of Harriet and himself" (1970:39). While Harriet Taylor Mill's writings remain more radical, they both take the position as other feminist liberals of their time, that a noble character in women is not inherent, but rather a result of circumstance. John Stuart Mill argues that society designates a woman's participation and achievements in the public sphere through her husband or "male relations" and she remains dependent "while her private consideration is forfeited . . ." (212). He maintains that the "unchecked" absolute power given not only to "good men, or to decently respectable men; but to all men; the brutal and the most criminal" leads to the most "immoral" and "evil" acts of abuse toward women (216-217).

Mill's thoughts about wife-beating are not contrary to his times, as Gordon points out in her historical analysis of wife and child abuse, "wife-beating was not generally accepted as a head-of-household's right . . . and was *effectively* [emphasis added] illegal in most states of the United States by 1870" (1988:255). As illustrated in Mill's position in regard to abuse, and later feminists participating in the early stages of the Women's-Rights Movement, abuse may be illegal on paper, while marriage remains the institution through which women are made to obey their master. Mill asserts: "the only actual bondage known to our law . . . [in] which a human being in the plenitude of every faculty is delivered up

to the tender mercies of another human being, in the hope forsooth that this other will use the power solely for the good of the person subjected to it” (217).

In his condemnation of marriage as a form of slavery he adds: “. . . legal subordination of one sex to the other—is wrong in itself, and now one of the chief hindrances to human improvement; and that it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other.” (125). While Mill’s statements sound quite revolutionary, liberal feminism does not seek to move beyond reform and redistribution of the social order. As Mill himself clarifies,

But if marriage were an equal contract, not implying the obligation of obedience . . . a separation, on just terms (I do not now speak of a divorce) . . . Like a man when he chooses a profession, so, when a woman marries, it may in general be understood that she makes choice of the management of a household, and the bringing up of a family, as the first call upon her exertions, during as many years of her life as may be required for the purpose; and that she renounces, not all other objects and occupations, but all which are not consistent with the requirements of this (1970: 179).

While mandating equality on the basis of the sameness of men and women (choosing marriage as a “profession”), there was no call to actually challenge the social order (divorce). As such in this feminist tradition it is argued that women are not fundamentally different from men and yet are denied opportunities, subordinate to men by marriage, and as such continue to be vulnerable to abuse by men.

While feminist liberals take a precise position against wife beating by questioning white middle-class women’s status in society as a whole in relation to men, and more specifically provide the impetus for making wife-beating a social

rather than a personal problem, they also invest feminisms and the understanding of what is later called domestic violence with an essentialist vision of women struggling against a primary form of oppression-gender. The definitions of domestic violence under the law, similar to what we see today, remained confined to the use of physical force by a spouse and to the interpretation by a judge of what constitutes extreme cruelty (Tong 1984). This reflects the overall limited public support in the sustained idea that domestic violence should remain a private matter. Furthermore, domestic violence was perceived as primarily affecting those that engaged in the vices of society such as alcoholism, immigrants and those who belonged to a lower social level. In this manner, the myth that the elite are exempt and domestic violence only affects the lives of the less fortunate “others” is placed into motion (Gordon 1988:3). More specifically women of color and even more so, immigrant women of color, remain unaccounted for within the feminist scholarship. However, liberal feminism is only the first of many building blocks within feminism that have set the current agenda for understanding domestic violence. Some of these myths remain and only gradually come under contestation during the second wave of feminism when women finally gain the right to vote.

Although the 1890s also contain a good deal of suffrage activities, it was not until the start of the 20th Century with the Suffrage Movement that women’s rights to vote became a central part of the agenda of the Progressive movement to reform the election process. Although Black abolitionists, such as Maria Stewart and Sojourner Truth, and Frances E.W. Harper fought for the rights of women of

color, the first wave consisted primarily of White, middle-class, well-educated women (Campbell 1998). As such, while the right to vote included reforms in education, the workplace, professions and healthcare for some, it excluded third – world women, women of color and homosexuals. Furthermore, in years to come, World War I and II were years of backlash for women’s rights in which unity, patriotism and a woman’s place at home in support of the men at war become paramount.

The contemporary movement of feminist scholars¹² begins in the mid 40s with calls for attention to the unequal power relations between women and men in society and begin to retake a strong position against domestic violence. They analyze “how women’s and men’s actions, positions, and relative privileges in society are socially constructed in ways that tend to favor men” (Hondagneu-Sotelo 2003:4). By 1963, the marriage male breadwinner, female homemaker model takes a toll with the publication of Betty Friedan’s *The Feminine Mystique* in which she describes the dissatisfaction felt by middle-class American housewives with the narrow role imposed on them by society. This wave of liberal feminism goes beyond past scholarship as it begins to form the foundations of the questioning of not only the andocentric focus in society, but the questioning of the male-only focus in academia, in fields of research such as anthropology and sociology. In this manner, feminist research starts to contribute to an understanding of the issues of battered women at first by excluding immigrant women. In an effort to remedy the exclusion of women from literature, they take an “add and stir” approach in which women are just another variable. Then they

later take a woman centered or “woman only” approach that continues to exclude women of color or immigrant women.

By the 1970’s violence against women had essentially been rediscovered and movements against domestic violence were flourishing in England, Australia and the United States (Dobash and Dobash 1979). For example, in the United States around 1970 the no-fault divorce law came into existence allowing women to get a divorce without having to prove that their husband’s battering constituted “extreme cruelty” (Tong 1984:130). Studies emerged with a focus on domestic violence using such measures as the statistically based Conflict Tactics Scale-CTS (Strauss et al. 1980) and more qualitative women’s experience based studies such as those focusing on domestic violence shelters (Ferraro and Johnson 1982). However, as McClusky points out in some fields such as anthropology, domestic violence does not become a focus of study until the mid to late 1980’s (2001:10). Even as women became more prominent in research, the literature remained focused only on certain women. It served to marginalize women into subfields and failed to acknowledge that gender is fundamentally about power that produces multiple forms of oppression (Hondagneu-Sotelo 2003). Both the problems and contributions of the Western feminist perspectives have shaped women’s experiences of domestic violence.

A feminist theoretical perspective during the 60’s and 70’s served to take a sociopolitical perspective with gender inequality, the concept that male dominance and control in the family and society as a whole perpetuates violence against women in the family. Also, at the end of this wave of feminism important

criticisms emerged against the mainstream feminist approach in the United States and set the stage for the third wave of feminism. The Third World Feminists (i.e. Mohanty 1991) positioned themselves against mainstream Western views and prepared the path that eventually lead to the acknowledgement of immigrant women's experiences and more specifically the study of battered immigrant women (Narayan 1995). The explorations of the following four Western feminisms serve to delineate the shift from gender as the only or primary source of inequality for women experiencing domestic violence and an acknowledgement of multiple identities and oppressions.

Radical feminism focuses on the theory of patriarchy as a system of power that privileges men and oppresses women. This approach challenges standard gender roles and calls for the reordering of society. Radical feminism also argue the significance of women's similarities and their differences to men and as such, hold that any woman¹³ has more in common with another woman than with any man. Radical feminism celebrates the unity and identification of women with other women and the rejection of male dominance. It involves both a critique of the existing organization of heterosexuality as prioritizing men and a recognition of lesbianism as a challenge to that priority. Radical feminism views sexual oppression as the oldest and most profound form of inequality in which social systems of male domination-patriarchy-take primacy over other forms of oppression.

While radical feminists position themselves as to give women the highest status in society, they also recognize that not all men are oppressive to all women

and that some men struggle to overcome domination. Radical and U.S. Marxist/Socialist feminisms position themselves as revolutionary models for social change. While some feminists are identified clearly as Radicals in academia, for example, Andrea Dworkin, others, such as Nancy Fraser (1989), explain: “Radicals in academia *do* find themselves subject to competing pressures and counterpressures. We *do* internalize several distinct and mutually incompatible sets of expectations. And we *do* experience identity conflicts as we try simultaneously to wear several different hats” (Emphasis added by the author: 1).

For radical/cultural feminist women and men academicians of color (such as the lesbian Chicana borderland writers, Gloria Anzaldúa and Cherrie Moraga, the Black radical lesbian feminist Audre Lorde and the Mestizo feminist decolonizing Arturo Aldama) the description of “wearing several different hats” fits particularly well as the forms of resistance and opposition also reflect the multiple forms of oppression confronted.

Unlike radical feminism, Marxist feminism derives from Western political and social theory, in this case the classical work of Karl Marx. Although Marx never used the term, historical materialism describes his use of a methodology which perceives economics as the basic energy shaping social relations and the formation of society. According to Marx, the bourgeoisie claim the freedom of the peasants from the land, but not for the purpose of peasants owning a portion of the contained labor, but rather for their exploitation in the factory which along with alienation of labor are central to capitalism. In this system, a large labor surplus

are essential to maintain high profits and to keep workers pitted against each other in a competition in which they are easily replaced by other workers who are willing to work for lower wages. For Marx, the oppression stems from economic inequality in which ownership of the means of production becomes concentrated in the hands of fewer owners.

Marx provides an analysis of human conditions based on labor and economics that spoke to women who saw the source of their oppression embedded in their class status (Tucker 1978). In Marxist feminism, hierarchical class relations are seen as the source of all inequalities. In this approach, class divisions historically give rise to male dominance and thus class oppression predates sex oppression. In Marxist feminism, sexual oppression is seen as a dimension of class power, but not the source. Marxist feminism gives primacy to viewing existing economic practices and oppression based on the establishment of classes over any other difference (gender, race/ethnicity, sexuality, etc.). The organization of labor (primarily waged labor along with the tools/technologies associated with labor) is perceived as the underlying economic structure of society (the base superstructure) in which social relations, including sexual inequality are shaped. In this manner, U.S. Marxist feminism (for a review see Hartsock 1998) pays particular attention to women's position in relation to wage labor. Given its emphasis on waged labor, like liberal feminism, this approach is oriented toward the public sphere. Also, Liberal and Marxist feminism share the assumption that there is an underlying sameness between men and women. In other words, while women may be oppressed by men, men, like women, are

ultimately oppressed by capitalism, uniting them in an overall common oppressor. In this case the demise of capitalism is a necessary precondition to dismantling male privilege. However, ultimately this approach as with the previous ones mentioned, takes only one social marker as important. Unlike Hegel, and some of his contemporaries Max Weber and Du Bois, who emphasized the ability of ideas and beliefs to influence and affect social life, Marx feared that such a focus would divert criticism away from capitalism.

Today, more recent Materialist feminist scholars acknowledge that class, as is the case with gender, is not the only or even the primary source of oppression for all women. Dialogue between radical and U.S. Marxist feminists in the 60's and 70's resulted in various fusions and redefinitions of their positions. For example, U.S. Socialist feminism acknowledges that issues of power cut across both class divisions and sexual differences. Currently, most feminist scholars do not identify themselves as U.S. Marxist feminists, but rather as U.S. Socialist feminists or even more so as Materialist feminists interested in examining the intersection of capitalism and patriarchy in the welfare state, along with other forms of oppression such as race, class, gender, sexuality, religion, and culture in different geographic and historical contexts (i.e. see for example Nancy Naples 2003). As Perez (1999) describes immigration research in the 1970's remained under a U.S. Marxist analysis in which class underscored women's exploitation (22). The 1980's, as discussed later on shifts from a Marxist critique to a feminist position that locates the intersection of class, gender, and race.

There exists a long history of omitting from history the agency of the oppressed or what some scholars call the subaltern (Aldama 2001), whether it is blacks (W.E.B Du Bois 1969), the working class (E.P. Thompson 1963) or feminists of color (Sojourner Truth 1972). Feminist scholarship is no exception to this tendency and as the emerging feminist scholarship of the second-wave indicated: “As white women ignore their built-in privilege of whiteness and define *woman* in terms of their own experience alone, then women of Color become ‘other,’ the outsider whose experience and tradition is too ‘alien’ to comprehend” (Lorde 1984).

For some women, race remains the primary marker of oppression and do not adhere to the same proclamations of emancipation as white middle-class women. As Angela Davis’ *Women, Race, and Class* (1983) exposes, black women contrary to white middle-class women, were not demanding the right to go out into the workforce because virtually all black slave women were, from the beginning, out toiling the land in the fields. Unlike white women who were sheltered from any male work, Black women found that in the interests of capital gains, “the whip outweighed considerations of sex” (Davis 1983:6). While many white women participated in the abolition movement and recognized that both white women and women of color faced exclusion under the guise of natural biological inferiority, white women failed to understand the differences marked by race.

According to Davis, “They [White women] assumed that the abolition of the slave system elevated Black people to a position in U.S. society that was

comparable in almost every respect to that of middle-class white women” (1983:77). Yet, as Du Bois (1969) and Davis (1983) argue, race for blacks remained an impediment to full citizenship. In the 1890s, the lynching of Black men was at its peak and the Women’s Movement unwillingness to make this a priority sent out a message of exclusion not only to black men, but more specifically to black women. As Du Bois describes it the “veil” complicated blackness “as one ever feels his twoness” of being both an American and “a Negro” (1969). As with other scholars that address this issue of twoness and what is later called hybridity (Anzaldúa 1999; Aldama 2001) the individual finds him/herself divided as they see from both within and without mainstream society in order to anticipate and withstand the degradation that white supremacy constantly amassed upon its “others.” Black women in later years are able to conceptualize the multiple forms of oppression, along with other women of color as the intersectionality of race, class, gender and sexuality (Crenshaw 1991; Lorde 1984) and conceive of themselves as not only struggling against patriarchy, but also racism and at times poverty as well. White middle-class women fail to acknowledge how diversity can and does shape and complicate women’s everyday lives and the contributions that this diversity contributed to the Women’s movement.

This legacy of exclusion continues to this day and marks the absence of women of color in the ranks of not only the Women’s Movement (Anzaldúa 1990:55), but also subsequently in the anti-rape movement (Davis 1983:173). Similar, to the anti-rape movement and given that domestic violence emerged out

of the anti-rape movement in the 1970's with the opening of the first battered women's shelter in 1973 (Gordon 1988:264), until very recently, blacks and women of color in general have not been the focus of the movement or scholarship. As a result of the positioning of feminism as a white primarily middle-class women's issue, domestic violence was at first approached as a monolithic social problem.

The 1980's mark a challenge to this hierarchal positioning of oppressions with the emergence of postmodernist/poststructuralist writers such as Jean-François Lyotard, Jacques Derrida and Michel Foucault. These scholars suggest a rejection of both mainstream and established radical thought. Feminists influenced by these thinkers propose feminism must also be held in contempt of universalistic assumptions and question an overly unified conception of power (Perez 1999) and category of "woman" (Butler 1990). This questioning of power and the category of woman within feminism marks an important shift as it reveals and accentuates that women are not all the same and that oppression is not the same for all women. U.S. third world feminist theorists appropriate this postmodernist/poststructuralist scholarship. U.S. third world feminist theorists acknowledge that with globalization, the third world is not a far away exotic place to be tapped into by anthropologists, but one that now resides in some of the most urban metropolitan areas around the United States challenging, resisting and creating the everyday reality of the United States.

Although women from the Third World have always taken part in the scholarly production of feminisms, in the early 1980's a wave of activism and

publications on and by Third World scholars such as Chantha Talpade Mohanty, Trinh T. Minh-Ha and Uma Narayan flourished in the United States. Along with the work of Third World scholars, the work of women of color in the United States emerged as U.S. third world feminism. This recent theory refers not just to the Third World in the first world, but also a new global consciousness that challenges the hierarchical distinctions of nation-state. Scholarship on “Intersectionality”, the acknowledgment of the intersection of race, class and gender, “womanism” (a term coined by Alice Walker) and “U.S. feminist women of color” (e.g. Anzaldúa 1990; Davis 1983; for a complete listing see Sandoval 2000:191, n.2) all serve as the foundations of U.S. third world feminism.

Therefore, U.S. third world feminism is embedded not only in academia, but also in the activist movement, in praxis. As Chela Sandoval reports, conferences such as the one in 1981 of the National Women’s Studies Association (NWSA) resulted in the establishment of the main tenets of racist and sexist hierarchy in the U.S.: First, it is white men who have access to the greatest amount of freedom from necessity in this culture. Second, white women serve as white men’s helpmates and chattel, with people of color as their women’s servants. Third, people of color form a striated social formation that allows men of color to call upon the circuits of power which charge the category of (white) ‘male’ with its privileges. And fourth, the later leaves women of color as the final chattel, the ultimate servant in a racist and sexist class hierarchy (Anzaldúa 1990:55-71). As such, U.S. third world feminism seeks to undo this hierarchy of oppression by first reconceptualizing the category of freedom and second by

challenging who has the right to enter such an area. A mapping of consciousness, which reveals that inequality will persist and “freedom” in the United States remains the privilege of the white middle-aged, middle-class heterosexual male. U.S. third world feminism positions itself to reveal such privileging by taking the different Western feminist theoretical foundations (liberal, radical/cultural, and U.S. Marxism/Socialism) and looking for unity amongst them.

Contrary to past approaches, U.S. third world feminism regards difference in race, gender, class, sex and culture as points of unification by underscoring their similar positioning in relation to race, class, sex, and cultural subordinations. As native-born individuals as well as immigrants, subordination is perceived as emerging from within their own communities as well as from society at large. However, while it unites women of every gender, class, race/ethnicity and sex this approach does so without denying difference. As Mohanty (1991) points out pretensions of sisterhood must be abandoned in order to build solidarity based not on color or sex, but rather the way in which individuals think about race, class, and gender. However, this must be accomplished while still acknowledging that individual histories produce “structural and social apartheid that still exist between different groups of women” (Hurtado 1996:43). As a result it does not become an approach of exclusion or inclusion as the other liberal, radical, Marxist/Socialist approaches suggest, but one that maintains its definitions while at the same time invites all women of all colors, including white women, to participate in a more politically effective production of feminist scholarship. As Emma Pérez’ *The De-Colonial Imaginary* (1999) on Mexican American Women

history and feminism, and Chela Sandoval's *Methodology of the Oppressed* (2000) indicate scholarship must also reflect this contradictory stance of unification and differentiation.

Sandoval (2000) provides a methodology that reveals the common theoretical underpinnings. In many ways her writing weaves together Du Bois' writing on race and Gloria Anzaldúa's writings on the hybrid and Foucault's the end of "Western man." U.S. third world feminism challenges and highlights simultaneously the building block upon which feminisms has evolved. It "bridges the limits of mainstream feminist theory and the limits of ethnic critical theory" (Aldama 2001:32). In other words, U.S. third world feminism provides the framework with which to look at multiple forms of oppression based on sex, race, class, and in the case of immigrant women, legal status and how these serve to shape their experience of domestic violence which will ultimately be the same and different from that of white-middle class woman.

A mapping of the development of Western feminist theorists, the questioning of mainstream feminist theorists and the rise of Third World and more specifically, U.S. third world feminism serves to understand how immigrant victims/survivors remained virtually invisible within U.S. domestic violence research until the past two decades.

Current feminist theoretical scholarship served to reveal the historical shaping of the masculine and the feminine and the multiple oppressions both individual and institutional that have historically served to reproduced the domination. However, feminist theory has also assisted in the understanding of

the agency, resistance and the multiple positions of immigrant women. As women have increasingly become a part of globalization, the mobility of people, technology and information from one part of the world to another, feminist researchers become poignantly aware of the need to move beyond a single theoretical frame.

As the world becomes connected and women not only take themselves in their travels, but also share information and technology, efforts against domestic violence have also taken a global scale. Women around the world learn, without ever leaving their homes that domestic violence is a crime that in some countries is processed. Immigrant women learn and then share that they have the right, contrary to their experiences in their home countries to call the police and that in some instances their case will actually be taken seriously by the criminal justice system (Hirsch 2003). In my own fieldwork, I have found that domestic violence is an example of how issues of globalization and more specifically immigrant women as agents within globalization resist the embedded patriarchy within capitalism as they share and enact new ways of resisting. An example of this is the force that movements against domestic violence have taken not only in the United States, but in other parts of the world. Immigrant women support the domestic violence movement by sharing information across borders and shelters at times will visit and have members of shelters from other countries visit and exchange information. As such theoretical advancements such as intersectionality and U.S. third world feminism have contributed through methodological

advancements in placing the issue of battered immigrant women on the purvey of domestic violence and producing innovative studies (Dasgupta 2005).

Addressing the history of feminist theory and the development of the domestic violence movement, serves to understand how immigrant women have historically been invisible in the domestic violence movement and scholarship in the United States. The use of gender as the primary form of oppression for women experiencing domestic violence, veiled immigrant women's multiple forms of oppression. As Margaret Abraham (2000) points out in her study of South Asian immigrant women, the dearth of attention to immigrant women has had enormous consequences on the identification, intervention, prevention and policy making attempts to mitigate the problem. Immigrant women (U.S. and foreign-born, documented and undocumented) experiencing domestic violence, must face to varying degrees, in addition to domestic violence, the economic, political and cultural systemic forms of oppression that continue to proliferate within American institutions and society at large.

Throughout this study, I honor the work of earlier feminists and strive to bridge the rich inheritance of the waves of feminisms. I utilize a feminist theoretical framework to gain greater understanding of the domestic violence experiences of U.S. born non-Latinas, U.S. (mainland and island) born Latinas and foreign-born Latinas (documented and undocumented). Consistent with feminist theory, my interest on domestic violence over time expanded from a focus on an individual dichotomous victim/aggressor psychological ailment to acknowledgement of a phenomenon embedded in the structural fabrics of power

and inequality in society. As such, while feminist theory remains the main framework, such a complex societal problem requires a variety of feminisms and an interdisciplinary approach to address the diversity of individuals experiencing domestic violence. In this study, I draw from multiple academic areas particularly sociology and anthropology. I utilize feminisms such as U.S. third world feminism which has re-conceptualized male and white women centered theories to take into consideration both difference and commonalities between victims/survivors of domestic violence.

Intersectionality

In this section, I focus on the complexity of the intersection of domestic violence with class, race/ethnicity, with a special emphasis on legal status. Recent research on domestic violence has found that abuse takes place not only because batterers seek to gain and maintain control and power over the victim, but also because relationships in society reinforce dominance and inequality through political, economic and cultural institutional arrangements. This study takes into consideration the increase in the influence of immigration on domestic violence experiences and while experiences of U.S. citizens and documented and undocumented immigrants differ, they also remain similar to one another.

Regional and national, political and economic, conflicts and rapid globalization influenced high rates of immigration to countries like the United States. However, until recently, domestic violence remained outside of the scope of immigration scholarship in the United States. Emerging scholarship on immigration and domestic violence (i.e. Abraham 2000; Erez 2000; Erez 2009;

Erez and Copps Hartley 2003; Menjívar and Salcido 2002; Salcido and Adelman 2004) has begun to address this lacunae by including a wider range of formerly excluded and ignored communities. This represents an acknowledgment of the necessity to challenge the primacy of gender and the need to examine the intersectionality of other forms of inequality and oppression, such as racism, class privilege, ethnocentrism, and in this particular study, legal status.

Although violence against women is a phenomenon that affects every society and victims/survivors report that they suffer from multiple forms of abuse other than physical (such as isolation, emotional, threats, economic abuse, extortion through the use of children), recognizing how immigration shapes these circumstances has only recently begun to surface in battered women's scholarship. Arguing against the conceptual use of patriarchy, researchers have turned their attention to intersectionality between domestic violence and class, race, and most recently, immigration status. Moving beyond a gender primacy reveals that the abuse goes beyond the individual abuser and is supported by social institutions and cultural factors (from country of origin and the United States).

Historically, not all are deemed equally deserving and desirable in U.S. society. The United States' admission of persons deemed politically acceptable or economically valuable affects the interplay of immigration and abuse in a woman's life. Negative politico-cultural associations affect services available to a victim (Chavira-Prado 1992), her readiness to denounce what may be considered intra-communal dirty laundry and to leave the abuser. As with other movements

such as the anti-rape movement from which the domestic violence movement emerged, the vision of women's needs, wants and what actions women should adhere to have been "rigidly bound to the lifestyle enjoyed by the middle classes . . ." and do "not reflect the conditions of working-class women . . . involved in economic survival" (Davis 1983: 208). In this manner, the "violence and control by an individual batterer is not the only form of violence experienced by marginalized battered women" (Sokoloff and Dupont 2005: 44). Structural violence through patriarchy and institutionalized racism become inherently an addendum of immigration policies and an extension of the violence against women.

Although all victims of domestic violence experience individual, institutional and cultural abuse "nowhere is this unholy alliance more distinct than in the lives of battered immigrant women" (Dasgupta 2005:59). As with gender, the term immigrant is a social construct, not just a legal one. Immigrant for many, including scholars, service providers and the general public, conjures up the image of the "other" (Aldama 2001, Gordon 1988). Usually, women do not even figure in this imagery and when they do, immigrant women tend to be the foreign, the backward, inferior and the submissive undeserving passive woman who falls under the shadow of men in their lives. These attitudes do not remain enclosed in a vacuum in individuals' lives, but filter into every part of United States' society including the criminal justice system. As such, in some instances, similar to U.S. born non Latina victims/survivors of domestic violence, but with the difference that there are less opportunities of addressing this injustice, immigrant

victims/survivors of domestic violence may feel that the structural mistreatment resembles that of her experience at the hands of her abusive spouse.¹⁴

However, in addressing immigrant victims/survivors, it is also crucial to note that legal status represents, but yet another form of oppression. Legal status in domestic violence becomes an additional form of abuse when men with either Legal Permanent Residence (LPRs) or U.S. Citizens (USCs) are legally entrusted with their undocumented¹⁵ spouse' legal status petitioning process. In this manner women feel as an informant so well stated, "Trapped by the blessed and damned papers" (Salcido and Adelman 2004). This contradiction is not only felt by undocumented victims/survivors, but also by those in process of legalization, and victims/survivors in general who find themselves attempting to leave the abuser an average of seven times before a definite leave (Stark 2007: 113). It is not just about leaving the abuser; it is about breaking with the economic/social institutions and the culture that supports the abuse.

Thus, undocumented victims/survivors of domestic violence become a heightened example of the struggles victims/survivors of domestic violence in general encounter as they gather the strength and the resources to leave an abusive relationship. The difficulties that immigrant women experience reflect the experiences of white women in the United States, although mainstream America would like to believe that this is due to the "other's culture" and not to the historical antecedents of imperialism (Dasgupta 2005:61). In the following section, I will discuss how immigration policies serve to understand the current experiences of Latina victims/survivors of domestic violence.

Male inclusive Immigrations laws reflect the concept of “coveture,” in which women’s subordination and granting of all legal power is vested upon the husband (Dasgupta 2005:62). By 1965, amendments to the Immigration and Naturalization Act (INA), further handed over men the right to sponsor, or withhold or withdraw sponsorship, of immediate family members (including wives) through a policy of family reunification (De Genova 2002). Although women also can petition a spouse and children, given the immigration patterns (particularly those of Mexicans), employment of women primarily in low paying jobs and the documentation and costs involved in petitioning, men have dominated the petitioning of a spouse. As Hondagneu-Sotelo (1994) explains as men from south of the border gained stability in the United States, women and children joined them, and established immigrant social networks of their own. The introduction of quotas and the awarding of visas based on the country of origin, along with the advancement in technology for the implementation and inspection of documents, resulted in an ongoing increase in the settlement of the undocumented not only through prohibited entry, but also in visa overstay (Massey et al. 2002: 42). Contrary to government intentions, the new policy also encouraged individuals to cross the border, many of whom did not qualify for Legal Permanent Residence (LPR), but who hoped to do so at a later period, many of these were women (see for example Davis and Winters 2001).

In this manner, immigration laws have historically supported a subordinate status of immigrant women in relation to their husband by granting the husband with the right to choose if he would petition her legal status. In the United States,

there are four main forms of legalization: employer-based, family reunification, refugee/asylum (check for 4th one). While other forms of legalization exist, most immigrant women continue to obtain their legal status through family reunification. For example, 1986 Immigration Reform and Control Act (IRCA) extended LPR to nearly 2.3 million immigrants (Massey et al. 2002:138). In a rare historical moment, many undocumented women were able to self-petition their legalization process. However, this was only a temporary window of opportunity for women that had the consequence of initiating the “feminization of undocumented migration” (Massey et al. 2002:134).

As wives followed their husbands legally, so did others without documentation. All, documented and undocumented, depended on their LPR husband’s willingness to petition them for their LPR. Despite IRCA’s intensification of border control efforts and criminalization of employers who hired undocumented workers, Mexican women and their children joined their newly legalized husbands and fathers, and filled growing demands for female workers in the hidden service economy (Hondagneu-Sotelo 2001). IRCA increased the number of families able to obtain LPR, if newly legal husbands or fathers filed a petition on their behalf. Thus, immigration reform that reunited families and sought to stem the influx of undocumented workers constructed gendered and raced legal dependency.

Along with IRCA, the U.S. Congressional fear of alien spouses entering the country through sham marriages inspired the passage of the 1986 Immigration Marriage Fraud Amendment (IMFA) (Salcido and Adelman 2004). The new

requirements now obligated couples to remain married for two years (initiation of these two years was determined by the INS), during which time the alien spouse was granted conditional resident status only. The amendment also stipulated that the couple had to petition for permanent status jointly and that separation or divorce would result in the termination of the petition for legal status for the alien spouse and her children, the ability to work legally, and the threat of deportation.

While IRCA served to free some of the burden of illegality, along with IMFA, it further restricted immigrant women in abusive relationships and increased the dependency on the abusive spouse. Given that one of the intents of abuse is to assert power and control over an intimate partner, these policies not only gave men the power to petition their wives' status, but also granted them the power to use legal status as an extension of abuse.

The 1990s reflect the recent attention and recognition of the impact immigration law and procedures have on immigrant women experiencing domestic violence. The first piece of legislation that recognized domestic violence as a problem experienced by immigrants dependent on their abusive citizen and lawful permanent resident spouses for legal immigration status was the "battered spouse waiver" or the Immigration Act of 1990 (IMMACT). The act provided a battered spouse and battered child(ren) with a waiver, eliminating the joint petition requirement previously required for petitioning legal residence (BCIS 2003). This waiver granted a resident who legally entered the US via the sponsorship of her spouse several rights that liberated them from having to depend on that spouse for petitioning legal residence. First, her conditional

residency could be changed to permanent, even if the marriage ended before the end of the conditional period. Second, she could show that deportation linked to early marital dissolution would result in extreme hardship.

However, the waiver still required proof of “extreme cruelty,” translated by the INS as severe physical violence that would preferably be proven by such documents as an official report drafted by a police officer. The benefits of IMMACT remained limited to those who had entered the U.S. legally. Leaving women who had entered illegally into the United States in situations in which abusive husbands could utilize the threat of deportation or withdraw of the petition for their Legal Permanent Residence (LPR), or destruction of legal paperwork as methods of control (Salcido and Adelman 2004). In addition to the established characteristics of abuse that many victims of domestic violence experience such as social isolation and limited economic mobility (use power wheel for a more detailed account), battered immigrant women also face language barriers and dependency exacerbated through legal procedural demands (see power wheel specifically for immigrant women; Erez 2000). While this was an important step towards protecting battered immigrants, the waiver was limited and only available to certain applicants.

As a result of the limited scope of IMMACT, US immigration policies were once again revised under the Violence Against Women Act (VAWA-I), part of the Omnibus Violent Crime and Control Law Enforcement Act of 1994. Specifically, VAWA provides relief by enabling battered immigrants to attain lawful permanent residence (green cards) in two forms: VAWA self-petitions and

VAWA cancellation of removal or “deportation” (Goldman 1999). These provisions ensured that immigrant victims of domestic violence would have access to lawful immigration status without having to depend on the cooperation or participation of their batterers. As never before, under this act self-petitioning became possible, but only for those who knew about it and had the financial solvency to finance a usually lengthy and expensive process.

Although VAWA-I enabled self-petitioning, it still excludes those that are involved in psychological trauma or that do not count on the support of individuals who do not side with the abuser. Furthermore, what constitutes credible and valid proof still remains within the jurisdiction of the law in which a police report with a legal format continues to carry more weight than a woman’s written account of the events. This maintains the risk of deportation highly plausible. VAWA-I enabled self-petitioning, but remained a great risk for deportation for those with undocumented legal status because terms such as “good faith, hardship if deported, good moral character, and battery” remained ambivalent, open to interpretation in the courts, and therefore difficult for women to prove. The reauthorization of VAWA in 2000, attempted to address and remove some of this ambivalence by including the Battered Immigrant Women Protection Act (BIWPA). In this act, access to VAWA immigration relief for battered immigrants was established and extended. Further, under subsequent enactments to VAWA, certain battered immigrants who are divorced from their abusers, living abroad, or who married bigamist abusers who never divorced their first wife may be eligible to file a self-petition through VAWA.

While these immigration provisions provide relief to those victims whom, but for the abuse, would have lawful immigration status through their spouse, they do not provide all immigrants with access to legal immigration status. Reauthorization of VAWA in 2000 (VAWAII) provided an opportunity to not only reestablish the Violence Against Women Act, but also to extend access to the act for immigrant women. The new law allows qualifying undocumented battered spouses to self-petition for deferred action or cancellation of removal while their case is pending; no longer requires applicants to show proof of extreme hardship, among other benefits. These changes have significantly lessened the legal dependency of some immigrant battered women and enhanced their possibility of strategizing for safety while obtaining permanent residence. Yet, they do not address or represent a viable choice for all immigrant women. This is particularly significant for those living in states with policies that serve to minimize the benefits that afford immigrants with protections.

Although at a federal level VAWA has ameliorated the plight for victims/survivors of domestic violence, since 9/11, an increase in anti-immigrant policies have served to curtail the efforts of those attempting to provide immigrant women with an alternative for protection against domestic violence. As such, while some federal laws such as the Violence Against Women Act (VAWA) serve to reduce the barriers for seeking assistance against domestic violence, other policies and laws such as the recently signed into law Senate Bill 1070 ('Support Our Law Enforcement and Safe Neighborhood Act') force immigrant victims to remain in abusive relationships. Earlier laws, such as the 287(g) of the

Immigration and Nationality Act (INA) that resulted from the Illegal Reform and Immigration Responsibility Act (IIRIRA) already authorize the Federal Government to enter into agreements with local law enforcement agencies to allow officers to conduct the functions normally designated to the U.S. Immigration and Customs Enforcement (ICE). Yet, this required the training of and coordination of the federal and local authorities.

Although federal immigration laws already stipulated parts of what is contained in SB 1070, this now law, also indicates that all officials or agencies within the state of Arizona must report the “unlawful” presence of a person “where reasonable suspicion exists that the person is an alien who is unlawfully present in the United States” (see (State of Arizona Senate 2010, Section 2, line 22 Arizona Legislative Government). Furthermore, “A person may bring an action in Superior Court to challenge any official or agency of this state or county, city, town or other political subdivision of this state that adopts or implements a policy that limits or restricts the enforcement of federal immigration laws to less than full extent permitted by federal law.” (State of Arizona Senate 2010, Section 2, Line 11, G Arizona Legislative Government). It once again states that no one may transport (including a family member), hire, house or assist an undocumented person, this may result in misdemeanor charges or higher and in fines. As such, an undocumented victim of domestic violence is first and foremost considered the criminal and will be prosecuted as such along with anyone who attempts to provide that person with assistance. What is worse is that SB 1070 can potentially serve as a weapon by the abuser against the police by threatening to

sue if the law enforcement officers do not check the legal status of the victim.

Thus, local immigration laws such as SB 1070, serve to diminish the use of the provision in VAWA that had afforded some respite to immigrant victims of domestic violence.

Conclusion

In this chapter, I reviewed three waves of feminism in order to understand the current options available to immigrant victims of domestic violence. I make reference to Western feminisms and how they position themselves regarding women's experiences with domestic violence. Also, I address how they contribute to an understanding of the current issue of immigrant victims of domestic violence. Furthermore, I argued that in the tradition of the development of Western feminist theory, feminists continue to use aspects of some or all of the aforementioned approaches as they continue to conduct research on topics such as that of the intersection of domestic violence and legal status. Feminist theorists are positioning themselves to simultaneously incorporate different approaches into the study of immigrant victims of domestic violence and in this manner, addressing multiple forms of oppression. The definition and discussion of the theories presented in this chapter reflect how feminist theorists contributed to a postponement and shaping of the current understanding of immigrant victims issues, particularly those of Latinas, but have also set the framework for addressing domestic violence experiences of immigrants.

Current, U.S. scholars have begun to reveal that while domestic violence experiences of immigrant women are similar to those of U.S. born non-Latinas

and U.S. born Latinas, they also expose vast differences. These differences require not only the disclosure and acknowledgment of the violence at an individual level, but also the various forms of institutionalized violence and forms of oppression such as race, class and legal status that exacerbate immigrant women's vulnerability. This requires an acknowledgment of past and present systems of hierarchy and domination that permeate both in the sending and receiving U.S. societies. In this chapter, I reviewed and argued that immigration policies have indirectly served to reinforce and even subjugated immigrant women as they depend on their husband for the processing of their legal residence. While the 1990s present several alternatives for immigrant victims of domestic violence, the structural violence inherent in immigration policies remains beyond the breadth of VAWA.

In this study, I bring attention not only to the experiences of immigrant victims, specifically Latinas through their legal status, but also to those non-Latinas that are made vulnerable through the intersectionality of race/ethnicity, and class. Also, by exploring the commonalities and differences of Latina and non-Latinas experiences of domestic violence at a personal level, I seek to understand how the personal experiences interlock with the more macro-institutional forms of oppression. As will be discussed in the coming chapters, rationalization and criminalization intersect with domestic violence and influence the protection afforded to the victim.

Chapter 3

METHODS

In this comparative statewide ethnographic study of victims/survivors of domestic violence with various legal statuses in the state of Arizona, I utilized a feminist multiple sited methods approach. As the research topic became more defined, it became apparent that the qualitative method, particularly in-depth interviews would be the best approach given the focus on the intersection of domestic violence and legal status. The 16 interviews used in this study were part of a team effort in which we developed and implemented surveys and then moved on to interviewing five groups of individuals (victims/survivors, victim advocates, probation officers, prosecutors, and judges) involved with the criminal justice system (Toon et al. 2007).

My tasks focused specifically on conducting the victims/survivors and the victim advocates surveys and interviews. In this chapter, I discuss and describe my approach to the development, implementation and analysis of the data gathered on the victims/survivors. I will discuss the methods utilized, the research site, participants, and the methods used for analysis. I begin by discussing the ethnographic method as the principal and primary approach utilized in this study.

In this study, I reject the classic ethnographic approach developed during colonial times at the middle of the 19th century by anthropologists in an effort to understand the “pristine” and “primitive.” However, this is still an ethnographic study. I do utilize what has become a hallmark of ethnographic fieldwork; I traveled to various sites, to sometimes remote and marginalized regions

throughout the state of Arizona. So much so that the fact that I was at a small town doing interviews was perceived by the locals as a demonstration of my commitment to include those at the margins both geographically and ideologically and prompted at times their willingness to participate. In this study on victims/survivors of domestic violence, I utilize methods that by WWII, both British and American anthropologists required as training before entering the field and collecting ethnographic data (Emerson 2001: 5). For example, I make use of what Clifford Geertz's in his essay "Description Toward an Interpretive Theory of Culture" (1973) describes as not only "establishing rapport, selecting informants, transcribing texts, mapping fields, keeping a diary, and so on," but most importantly, and here Geertz is borrowing from Gilbert Ryle, "thick description" (Emerson 2001: 57). In other words, through the use of in depth-interviews and observations, I attempted to capture the fine details of an everyday life experience in order to recreate that reality for the reader. It is an attempt at getting to what C. Wright Mills called the "big picture" (1959: 17) and today we refer to as a holistic approach (Warren and Karner 2005: 191).

However, the extent to which an ethnographic methods was utilized remained restricted by the potential for endangering both the victims/survivors and myself as the researcher. From past fieldwork, I had learned that going to victims'/survivors' homes could place them and me in the middle of a violent situation. For example, one time I was interviewing a woman outside her apartment. We had sat down at the lawn and were at the end of the interview when one of her children interrupted to announce that his dad was home and he

wanted the interviewee to head back as soon as possible. We immediately picked up and started heading back. The victim explained that on occasion her husband would get sent home early if the weather would not allow the crew to complete the landscaping. We were still talking, when we were met by an angry man with a red swollen face and blood shot eyes. I was introduced and since he seemed fine in standing there as we talked we continued our conversation, but in an instance the situation changed and the profanities started. I knew this was time for me to leave. From the corner of my eye, I could see the victim struggling to get her husband to follow her back to the apartment.

I contacted the person who had introduced us at the elementary school where I had met the victim and asked that she follow up on the status of the victim. I knew that my being there had placed the victim in great danger and needed to know that she was still alive. Fortunately, the woman at the school was able to contact the victim the following morning and I was informed that the victim was alive. After that study, I decided that I would not enter a victim's/survivor's home without making sure that I had someone with me and that the possibility of the abuser showing up were close to impossible. Thus, for this study, I decided I would meet as many of the victims/survivors at the community centers or public facilities, such as the libraries. Although I was not able to "quit academic settings, moving out to make direct, close contact with people and the social circumstances within which they live their lives" (Emerson 2001: ix), victims/survivors brought to me through their detailed narratives their experiences not only at home, but in dealing with the criminal justice system

(CJS). These alternative, “safer” spaces also proved much more useful as they contained resources such as copiers and computers that could be used at the end of the interviews.

The dangers of conducting this ethnography also extended to the manner in which I took notes and what I could make public. While I understand the importance of note taking in ethnography, I was restricted to notes at the time of the interview, and during observations at court hearings. I would write notes as often as I could and then also take notes as soon as possible after an interview or event. Yet, not everything that was noted could be used in this study. In some cases it is almost impossible to mask the notes to protect the victim’s/survivor’s identity and/or hinder ongoing court proceedings. Yet, still whenever possible, I took field notes that were “thickly descriptive,” “fully narrative” and “contextualized as to time and place” (Emerson 2001: 106). As Atkinson points out, field notes constitute the first phase of ethnographic research (Emerson 2001: 89) and remain crucial to ethnography.

Another important component of this ethnographic study was the face-to-face contact with victims/survivors. This, of course, required that I establish rapport with victims/survivors prior to meeting with them face-to-face. While in the earlier stages of ethnographic studies establishing rapport had the purpose of finding out truth, I used it in this study as it is currently used by contemporary scholars, to elicit accounts (Warner and Karner 2005:139). Establishing rapport, not only during the interviewing process, but in the initial contacts over the telephone or via email remained crucial for the success of this project. The first

interactions with the victim/survivor not only meant the possibility of being granted an interview, but also of that person becoming a primary informant or a liaison to other potential participants in a community.

In this manner, an ethnographic method remained critical in addressing domestic violence and immigration issues within this study. However, I also found myself making use of a number of methods, methodologies and epistemologies that not only complemented, but at times served to critically and creatively broaden the traditional boundaries of this ethnographic study.

A feminist methodology and epistemology offered a mechanism for constantly assessing the fit of theory, questioning of the researchers role, and understanding that passion does ultimately drive our research and our wanting to recreate the reality of what we think represents humanity. I agree with Harding (1987) that part of the difficulty in finding an answer to questions about a distinctive feminist method is that “discussions of method, methodology and epistemological issues have been intertwined with each other in both the traditional and feminist discourses” (2). The argument is that all evidence-gathering techniques fall into one of three categories: interviewing informants, participant observation, or providing a historical context (Emerson 2001; Harding 1987; Naples 2003; Ragin 1994; Warren and Karner 2005). Therefore, it is not by looking at research methods that one will be able to identify the distinctive features of feminist research, but rather by exploring the methodological and epistemological conceptualization of familiar methods. Thus, I make use of what some feminists have called “methods” as methodological and epistemological

standpoints and expand, in my case, the use of the ethnographic method by utilizing Reinharz's (1992) three main assertions that a feminist "aims to create social change," "attempts to develop special relations with the people studied (in interactive research)" and "strives to present human diversity," (Naples 2003:5).

First, consistent with the theoretical perspectives utilized in this research, in previous research, and my personal experience, one of the aims of this study was to further social change. Like much feminist research, one of the central goals of this study was to take action and bring about change in women's conditions. As Reinharz (1992) points out, "even when feminist researchers rely on traditional methods of data collection, the very asking of feminist questions and the attempt to create a new knowledge in which women's experience is central can create subtle shifts" (219). Thus, as Reinharz indicates, whether a researcher recommends explicit policy recommendations or offers social implications of his or her findings, this focus on contributing to social change appears to be a theme across much of feminist thought that on an epistemological and methodological level differentiate it from classical ethnography.

Second, I move away from practices used in the earlier stages of social anthropology and sociology (see C. Wright Mills 1959) and the development of classical ethnography (Emerson 2001). Much of the training for fieldwork in the earlier stages of anthropology and sociology indicated that in studying the "other" and giving voice to this "other," the researcher should strive for objectivity by not becoming overly involved with those participating in the study (Warren and Karner 2005). Yet, current feminist anthropologists insist on using reflexivity.

Through the use of reflexivity, these ethnographic studies reveal aspects of the self as the most important filters by which one perceives the world and the topic being studied (Behar 1993:26). In contrast to classical ethnography, and consistent with much of the current feminist anthropological research, I take a standpoint and acknowledge and address the links between the researcher, the research topic and the participant(s) under study. I also insist that scholars do not “give” their participants voice, but rather acknowledge it.

Finally, as with institutional ethnography, I criticize mainstream andocentric research by placing women at the center of my research. Yet as other U.S. feminist scholars of color (e.g. Hurtado 1996; Lorde 1984; Hondagneu-Sotelo 2003) have indicated, including women does not eradicate some of the problems of exclusion or the contradictions in feminist and ethnographic studies as some continue to focus only on the views and experiences of white middle-class heterosexual women. For this reason, I acknowledge and represent not only the experiences of mainstream white middle-class victim/survivors of domestic violence,¹⁶ but also those of U.S. born non-Latinas, U.S. born Latinas (mainland and island born) and Latina immigrants (documented and undocumented) who face diverse forms of oppression through the intersectionality of gender, ethnicity/race, class, and legal status.

Furthermore, as France Winddance Twine found, being an insider, a member of a given racial group or a woman, versus an outsider does not always lend itself to easy access or identification with that group. “Racial subalterns do not automatically better understand racism nor do they necessarily identify more

closely with members of their racial group” (Winddance Twine and Warren 2000:15). In other words, racial/ethnic or gender subordination does not automatically lead to a critical stance of racism or sexism and the researcher and the informant while being of the same subordinate racial/ethnic group may not have the same critical stance. For example, some women interviewed believed that women should be forced out of their situation because women who are in domestic violence situations cannot think for themselves and others felt cheated out of her benefits as a victim/survivor by other non-citizen victims/survivors of domestic violence that were receiving government benefits. Thus, being a “victim/survivor” does not automatically make you a supporter of all victims/survivors. Finally, I experienced that it was not only the victims/survivors, but also entities within the criminal justice system that at times had trouble understanding victims/survivors. During a domestic violence conference training a domestic violence advocate stated that abused women have all the resources they need and yet they are just not willing to take the time to make use of them (AzCADV Annual Conference 2007). The victim advocate continued to explain that she had experienced domestic violence and had been able to leave and did not understand why others did not do the same.

The dilemmas encountered in the field are multiple and go far beyond race, gender or class. Judith Stacey (1988) found in her friendships with informants that an ethnographic approach resulted in “elements of inequality, exploitation, and even betrayal.” In comparison to other more mainstream positivist methods, in ethnographic studies, informants come to expect reciprocity

and loyalty. In Stacey's attempt to find a solution to ethnographic problems encountered in the field, she explored the post-modern ethnographic solution of acknowledging fully the limitations of the ethnographic process and concludes that "while there cannot be a fully feminist ethnography . . . there also can and should be feminist research . . ." (1988:23). This notion reinforces that the study of women in relations of power require not one, but multiple methods and a multidisciplinary approaches to explore the intersectionality of multiple oppressions present in women's lives.

Extended and Multi-Sited Research Methods

As stated earlier, this project combined several methods including the extended case method and the "multi-sited ethnography" (Emerson 2001; Fitzgerald 2006). The extended case method was first advanced by the Manchester School of anthropology by Gluckman's work in 1961 and then developed in sociology by Michael Burawoy (Fitzgerald 2006:13). While the extended case method seeks to refine existing theory, it also values and analyzes the proximity between the researcher and the subject, promotes a dialogue between the social scientist and the people being studied, extends out from the field and looks at ways in which observations conflict with existing theory for the purpose of reworking theory (Burawoy 1998). As the extended method, would point to, given my previous work, I was entering the field with an existing preconception of what to expect before entry and I tried to lay out as coherent a theoretical framework as possible. I made an effort to apply "reflexive science to ethnography in order to extract the general from the unique, to move from the

“micro” to the “macro,” and to connect the present to the past in anticipation of the future, all by building on preexisting theory” (Burawoy 1998:5). As such, I sought to look for ways in which observations conflict with existing theories for the purpose of reconstructing, not rejecting existing frameworks about domestic violence. The use of theory is precisely one of the emphases of the extended case method that make it different from other ethnographic approaches.

According to George E. Marcus (1995), the multi-sited ethnographic research design arose in the mid 1980s as a response to empirical changes in the world in order “to examine the circulation of cultural meanings, objects, and identities in diffuse time-space” embedded in a world system (96). This ethnographic design takes into consideration that the topic of study may require multiple sites of activity. Yet, as pointed out by Fitzgerald (2006), exploring individuals’ experiences in multiple sites also presents practical and epistemological problems. There is a concern for the quality of the fieldwork as time and efforts may vary from site to site. In addition, it is argued that multi-sited fieldwork may lose its subaltern focus and potential for critique as too many differently-positioned voices are introduced. Another objection to this method is that comparative ethnography is no longer possible because unlike the “pristine” cultures that classical ethnographers visited, today, cultures can no longer be considered discrete units that can be isolated for comparison. Although these are valid criticism to the use of multi-sited and the extended methods, I find value in the use of such methods given that I am dealing with the topic of domestic violence and immigration.

I would argue that the benefits outweigh the drawbacks of using such a method. Drawing once again upon Marcus (1995), a study of domestic violence and immigrants requires a multi-sited study as a response to a changing world that is now in context flux with globalization. As far as losing, the subaltern focus and potential for critique, given the topic itself, this remains highly unlikely as immigration engages the discussion of domestic violence in a constant questioning, but also weaving of differently-positioned voices in the literature. In respect to the issue of the “pristine,” this has long left us, if it can be said that it ever even existed. Finally, addressing the question of entering the field with a preconceived idea of theory, when a scholar becomes engaged in existing theoretical debates and reaches a maturity with the topic at hand, which I believe is my case; acknowledging a commitment to an existing theory or theories may be the best vehicle for conducting research. As Fitzgerald (2006) argues, an ongoing engagement with *a priori* theory guides the construction of fieldwork and its focus. In addition, as was the case in this study, the multi-sited method allows for the researcher to address the same case study in multiple geographic settings for gaining access to social networks and exploring how different destination localities produce commonalities and differences in individual experiences. For example, a multi-sited method allows me to compare and contrast the urban and rural or the various geographic regions within the state (Northern, Central, and Southern) experiences of domestic violence. In addition, like other scholars (Fitzgerald 2006; Menjivar 2000; Shahidian 2001), I use the strategy of historicizing the field by using several methods. First, I collected archival work

from the Arizona Coalition Against Domestic violence and sites throughout the state. In addition, I used oral histories from individuals with long trajectories in the field of domestic violence and/or the sites/regions where I am conducting fieldwork. While I did not visit sites in various countries for this study, as other scholars did, similar to Emerson (2001), I did visit multiple sites and went into the greater context of women's domestic violence experiences within the criminal justice system (Emerson 2001).

A multi-sited approach assisted in the understanding that irrespective of individual characteristics (gender, class, ethnicity/race, legal status, etc.), structural dynamics (economic, social and institutional) also shape the domestic violence experiences of victims/survivors. As Fitzgerald (2006) states, this method was “particularly well suited to describe and explain the articulation of macro structures with member's lived experience, micro-interactions, and deep appreciation of members' meaning” (12). Furthermore, a multi-sited approach added a useful level of analysis to this ethnography on immigration and domestic violence by stressing how receiving countries, their government policies and structural inequalities shape the experiences of both immigrant victims/survivors and the experiences of U.S. born victims/survivors.

In addition to the observations and the interviews, this study also contextualized the current lives of the victims/survivors with historical background information on structural transformations (i.e. the passing on several anti-immigrant laws and the levels of incidence of domestic violence throughout the state). Similar to other studies (e.g. Phillip Bourgois's 2002 study on Puerto

Rican drug dealers), by contextualizing the victims/survivors accounts, I attempted to mitigate a neoconservative reading of this ethnography, and avoid ignoring or minimizing the abuses by members of the same community (see also Winddance Twine and Warren 2000:24-25). As such, I share a concern with researchers (Fitzgerald 2006; Menjívar 2000; Shahidian 2001) for the manner in which this study will be read and my interaction and positioning with victims/survivors. Similar to Feminist methodologies that have developed a critical tool for conducting research that addresses women's issues, instead of creating a new method, the extended case method reworks classical ethnography and the multi-sited ethnographic method provides a means for adapting to our current empirical case situated in a context of globalization.

Arizona is an ideal site for a comparative study of Latina and non-Latina victim/survivors of domestic violence for several reasons. First, its geographical location as part of the U.S./Mexico Border renders a large Latino and foreign born population. According to the Institute for Women's Policy Research, "one in ten Arizona residents was born abroad and identifies as Latino or Latina (Institute for Women's Policy Research. 2010). In Arizona 30 percent (1,978,733) of its 6,595,778 population is of Latino origin, double the national 15.4 percent (U.S. Census Bureau 2010). The Office of Immigration Statistics of the Department of Homeland Security estimated in 2009 that approximately 460,000 undocumented immigrants resided in Arizona with 94 percent of these immigrants originating from Mexico (Hoefler et al. 2010). Thus, the future of Arizona depends in part in the success of a growing Latino population.

In the ten years in residing and visiting Latino communities throughout the state of Arizona, I have observed that in highly Latino populated communities infrastructure lacks the planned development and/or the maintenance of other communities in which more affluent Arizonans reside. According to the Arizona State University and the Arizona Latino Research Enterprise report, "The State of Latino Arizona," the Latino population in Arizona grew by 45 percent between 2000 and 2007 and 75 percent of children under the age of 6 were living in poverty compared with 30 percent of White children in the same age group. In respect to education, 59 percent of males and 70 percent of females were finishing high school compared to 78 percent of White males and 85 percent of White females (Arizona Board of Regents 2009). These demographics were consistent with the levels of poverty and dropout rates I noted during my visits to Latino communities statewide.

However, I also found that an overwhelming majority of the Latinos had an optimistic view about their community. Sure there were an excessive number of cars parked in the hole filled streets, gunshots could be heard on occasion (I have had the pleasure of this experience) and more often than not, industrial zones appeared to merge with the residential areas and the schools had more children than teachers, I noted at least during my multiple visits with victims/survivors, could handle.

Yet, as I spoke to residents, they assured me that they felt safe, comfortable and even fortunate to live in their community. Victims/Survivors particularly immigrants who had resided in rural communities in their country of

origin would comment on how great it was to have running hot water without having to wait a half hour to an hour for the water to warm up and electricity all day. In time, I realized that even my understanding of acceptable living standards did not parallel those who were coming from countries that lack even the most basic of services such as running water, electricity, a sewer system and trash removal and disposal. These are the conditions in which most of my informants lived.

Although there were exceptions to this description of Latino communities, it usually had to do more with a Latina who could afford and felt comfortable living outside a predominantly Latino community. In most instances, when I would hear a complain it would be from immigrants that for example, were well educated who due to their immigrant status had been displaced from their expected employment and living standards. As such, it was my experience that U.S. born and LPR Latinos seemed to be more representative of those living in more affluent suburbs, than immigrants in the process of obtaining their LPR and the undocumented. However, I must note that most of the victims/survivors in this study (irrespective of their race/ethnicity or legal status) reflected the social and financial hardships that come with experiencing domestic violence.

Research Procedures

The methods I used in this study, a feminist standpoint, extended case and multi-sited approaches served to elicit information, opinions, recommendations and suggestions from victims/survivors about their experiences with the criminal justice system. The research began with the development and creation of a

statewide survey completed by victims/survivors of domestic violence that had been involved in recent years (it started with 2 and then was extended to 5 years) with the criminal justice system (for more in-depth information on the results of the survey, see Toon et al. 2007). Yet, in this study, it is not my intention to generalize. Instead, I use a combination of the methods to explore the perceived benefits and limitations, the levels of satisfaction and the changes with the criminal justice systems' response to domestic violence as perceived by victims/survivors in a broader context than either method alone could afford. I focused specifically on victims'/survivors' comments to two open ended questions at the end of the survey. The comments from the survey provided an overall understanding of participants' views about a general frustration with the criminal justice system. Consequently, the emphasis remained on the 16 more in-depth interviews with U.S. (Latina and non-Latina, mainland and island) born and foreign born Latina immigrant (documented and undocumented) victims/survivors of domestic violence and their experiences with the criminal justice system.

While an emphasis remained on qualitative methods, a Spanish and English language survey developed¹⁷ and implemented from September 2006 to May 2007, helped to provide an overall understanding of victims/survivors of domestic violence that captured a broader number of experiences, opinions and suggestions about the criminal justice system. While the survey did not serve to distinguish between U.S. born and foreign born victims/survivors experiencing domestic violence (the survey did not ask for participants to include their place of

birth), the questions did elicit answers from victims/survivors that revealed a general sense of feelings and experiences with regards to the Arizona criminal justice system's response to domestic violence. The data and funding for this project came with approval from and formed a part of a larger Arizona statewide domestic violence research project surveying and interviewing judges, prosecutors, probation officers, victim advocates and victims/survivors conducted by Morrison Institute for Public Policy at Arizona State University under the direction of the research analysts Richard Toon and William Hart. The survey and the interviews were separate sources of data and the elaborations of survey and interviewing materials were developed and reviewed by advisory panels composed of domestic violence experts/service providers which included representatives from law enforcement, prosecution, advocacy, probation, the judiciary, and representatives from the Governor's Commission to Prevent Violence Against Women.

The 160 women that participated in the survey were victims/survivors of domestic violence who had contact with the criminal justice system (e.g. called 911, had contact with the police, got an order of protection, attended court, etc.) in the past two years and were willing to respond to the invitation to participate in the survey throughout the state of Arizona. Unlike the interviews, participants were not asked to identify their place of birth and although the 45 comments that respondents provided at the end of the survey indicated in some instances the country of origin given the language used or the content of the comments, the level of inclusion of immigrant victims/survivors in the survey remains uncertain.

The 160 individuals that participated in the survey were majority (96%) female, a small minority (4%) did not indicate gender, but it is thought that perhaps all participants were female (Toon et al. 2007). The average age of the participants was 38 years, with an average of 16 years lived in Arizona. The majority were White (54%), Hispanic (33%), African American (8%) and other (5%). Most of the respondents (52%) were married to the abuser and most (58%) of respondents indicated that they had used a domestic violence shelter at some time (Toon et al. 2007: 39).

A bilingual (English/Spanish) flyer went out to every shelter in Arizona (with the assistance of the Arizona Coalition Against Domestic Violence), Department of Economic Security (DES) offices, victim advocates (with the assistance of the Arizona Coalition for Victim Services) and other community service organizations via email/hard copy. This flyer invited victims/survivors of domestic violence to participate and it included a toll-free number and an e-mail for contact purposes. My first opportunity to establish rapport with potential subjects was usually through the phone. Initially, I thought that this would turn off some participants. Instead, I found that one of the most common responses when I picked up the phone and explained what the project was about was a woman saying, "I've been waiting for this moment!" Other demographic variables that were measured and reported were gender, sexual orientation, marital status, age, and number of children.

The survey was available in both English and Spanish, in hard copy and via e-mail. The survey was distributed statewide to provide an overall

understanding of victims'/survivors' perception of the criminal justice system in the state of Arizona (see Executive Summary, Toon et al. 2007). Surveying victims always presents a special challenge (Ragin 1994); individuals that fit this category do not walk around wearing some sort of signal that identifies them as such and these individuals may also be reluctant to identify as a victim. As such, assistance was sought and granted from victim advocates, staff at shelters, community agencies that provide public services and an advisory panel. This anonymous and confidential survey was administered through staff at domestic violence shelters, victim advocates and any other individuals that contacted me or any of the other two research analysts via the toll-free number on the flyer, my direct line or via e-mail. I also went out to any agency and/or support group that asked me to explain the study and then apply the surveys myself. In order to ensure confidentiality, a separate toll-free line with a restriction code for this study was established, as well as a coded e-mail box and self-addressed stamped envelopes that were included with each survey mailed out. The survey was designed to examine victims/survivors' experiences and opinions on the criminal justice system's response in general and more specifically, to their domestic violence case. It contained four categories (judges, prosecutors, probation officers, victim advocates) with statements that the respondent could answer scale that ranged from strongly agree to strongly disagree. For example, a section would begin with the heading:

If you had contact with Arizona police concerning domestic violence within the past 2 years, please respond to the following statements:
The police seemed more sympathetic to my abuser than to me.

Arresting my abuser stopped the abuse.

The respondent then had the options of marking one of the options on the survey of strongly agree, agree, neither agree nor disagree, disagree, strongly agree. While every effort was made to maintain a detailed count of those surveys being distributed in order to gain an understanding of the rate of return, it remained unclear how many victims/survivors were provided with a survey beyond the research team's original contacts. However, the target size was estimated at approximately 250, with an estimated 64% of those contacted as having responded.

Participants had the choice of participating via e-mail or mail, but ultimately all of the surveys were transferred to a computer. This insured confidentiality and also assisted in the process of coding. The open ended questions were carefully read and analyzed as they provided supplemental information from the survey that benefited the general understanding of battered women's experiences, opinions and suggestions with respect to the criminal justice system. The research team at Morrison Institute for Public Policy, Arizona State University used a variety of statistical techniques such as the Statistical Program for the Social Sciences (SPSS), t-tests and ANOVA for statistical analysis. At this final process, I was no longer a part of the research team. Thus, I used these findings only as a framework and guide for the initial emergence of themes, patterns and possible contradictions with feminist theory.

The 16 in-depth interviews provided the face-to-face contact and rapport required by research on sensitive topics, in this case, domestic violence and

immigration (Shahidian 2001; Warren and Karner 2005). Methods research guides (Ragin 1994; Emerson 2001), studies on battered women (Sokoloff and Platt 2005) and immigrant populations (Chavez 1992; Menjivar 2000), and other studies on vulnerable and hidden/ clandestine groups (Twine and Warren 2000; Shahidian 2001) suggest that these populations demand greater amounts of time by the investigator in the recruitment and building rapport processes. In this project, in addition to recruiting victims/survivors from the shelters, I reached out to victims/survivors in their communities. The in-depth interviewing process of this dissertation study took place as I was a part of Morrison Institute and includes 16 interviews conducted from December 2006 to March 2007. The interviews included victims/survivors involved with the criminal justice system. During this time, I received approximately 90 phone calls and 50 e-mails. In some instances, potential participants were turned away because their experiences did not qualify them for the study. For example, their domestic violence experiences had taken place in another state or country, a decade ago or more, they had experienced domestic violence not with a partner but another family member, or any other criteria that did not fit the description on the flyer including no experience with the criminal justice system. At other times, it had nothing to do with the study, for example, some victims/survivors were in high risk situations which they were not ready to share in an interview, but wanted to talk about their situation and so we would over the phone. In every case, I took the time to listen and explain the study. If the person wanted to hear more information even after she decided she did not want to participate or was told she did not qualify, then I would take the

time to explain the study, listen to her and make sure that she was informed of resources available to her in her community. At times, an hour later, we would still be talking. After such long and intimate conversations, the women would come to know a bit about me and my long involvement with domestic violence issues.

The data utilized in this study was collected by means of in-depth interviews. As with the survey, the interview materials were reviewed by an advisory panel of domestic violence experts from the CJS and community service providers. The script contained a semi-structured format with some demographic questions at the end (Warren and Karner 2005). Questions were developed with assistance from the advisory panel and include questions such as:

Did you ever have contact with the Arizona police concerning domestic violence within the past 2 years (after the initial interviews, the timeframe got extended to approximately 5 years and women were also allowed to go as far back as they deemed necessary on their experience with the criminal justice system)?

If yes, then:

Tell me a bit about your experience.

If needed, other questions would follow, if not then the same question would be asked about the judges. This script served only as a general guideline. When interviewees would move on to another topic or talked about all of the various categories at once, they would be allowed to finish their statement. Additional questions were also prompted by the specific experiences of the interviewee with the criminal justice system and were added as needed.

As with the survey, a bilingual (English/Spanish) flyer went out to the Arizona Coalition Against Domestic Violence (AzCADV), which in turn

distributed the flyer via email/hard copy to shelters and other local agencies on their mailing and list servers inviting individuals to participate in a voluntary and confidential interview by calling a toll-free number or writing an e-mail.

The focus on victims/survivors of domestic violence required sensitivity to matters pertaining to such issues as limited resources and the potential for stirring emotions during the interviewing process. The interviews were scheduled with respect to the availability of the interviewee and at a place deemed comfortable, private and safe by the interviewee. In consideration of the interviewee, the time scheduled for the interviews were left open and the recording of the interview remained flexible and voluntary. Each of the interviews from the first to the last included in the introduction a statement by me explaining the interviewing process such as the right of the participant to end or not answer a question at any time during the interview.

As a former case manager at a clinic and a hospital from 1995 to 1999 and as a researcher on this topic since 1999, I had a sense of what to anticipate during the interview. Although the focus of this study remained on the criminal justice system's response to domestic violence the interviewees would at times become highly emotional. In reviewing the interviews, I found that from the very beginning interviewees required time to gather themselves. Lorena's interview serves as a good example:

Lorena: The very first experience when I originally got the order of protection. I was crying the whole time (giggles nervously), so I don't remember much. But he was really, really nice, he was a great man. He didn't think twice on the, God I feel emotional [Lorena is trying to hold back the tears].

O: It's okay, it's alright. Do you need a moment?

Lorena: Yeah.

[Recorder gets turned off until told it is okay to turn it back on and victim/survivor has had time to gather herself emotionally. She needs a tissue and we get that and once she feels ready, she lets me know and we just resume again].

For me it worked to remain as composed as possible, I would turn off/pause the recorder and wait for the interviewee to cue me or I would ask her when to resume. I had learned as a case manager that breaking down with the interviewee would hindered my efforts at providing assistance and at times only made the situation more difficult for both the interviewee and myself. In addition to the usual interviewing materials, I would also prepare for emotional responses by having tissue, a phone, and resources at hand. While, I too would feel for the person sitting in front of me, I made an effort to remain composed and offered to stop the recorder, bring out some tissue and for a moment take time to just let the interviewee compose herself. Many of the women I interviewed would apologize for crying and for becoming emotional, but I would reassure them that it was okay to cry. I would explain at the end of the interview that I too would become emotional and at times would find myself crying in my car on the way home.

I also experienced some anxiety as I resumed transcription/translation after all the interviews were completed. In December of 2007, as I began to go through the interviews again, I began to have recurring nightmares of someone breaking into my home and of my husband wanting to strangle me. I would have to get up, check that the doors were locked and make sure the children were alright. This was an example of how I, the researcher, could not (and would not

have wanted to) remain detached. As I began the coding process and returned to some of the writing process, the nightmares ended all together.

Due to the emotional nature of the interviewing process, privacy for the interviews was of outmost consideration and depended a great deal on what the interviewee was comfortable with. My interviewing locations ranged from community centers and other domestic violence sites such as shelters, to public library study rooms, women's homes (if safe and appropriate-by this I mean that even young children could not be present because it has been my experience and from what informants have shared that children sometimes inadvertently become informants for the abuser and as such, extensions of the abuse). In the most extreme cases, interviews were conducted while sitting in my car.

I conducted and transcribed/translated all of the interviews. They ranged from half an hour to three hours recorded time and produced along with the field notes, approximately 500 double spaced pages). However, the real time spent with the participants and not just recording the interview ranged anything from an hour to the longest lasting three hours. I allowed women to take as long as needed pre, during and post recording time. The interviews were conducted in English, Spanish or both depending on the needs of the interviewee. Each participant in the interviewing process received verbal information regarding my status as a Graduate Research Associate at Morrison Institute and that I was a graduate student conducting research for my dissertation. Along with this, I explained that while my resources and time on this study were limited, there were resources and agencies available to help on a regular and continuous basis with domestic

violence related issues. I found that victims/survivors, for the most part, already had someone to assist them and they did not require extensive help. Although I always carried resources with me, I found that with few exceptions victims/survivors were aware of the resources available to them in their community. While victims/survivors spoke at times of needs and frustrations, these mostly had to do with the limitations in the implementation of their rights (e.g. custody, welfare benefits, medical health benefits, child support, etc.). As such, it was not so much that the resources did not exist, but rather that some victims/survivors had trouble navigating the convoluted system by which they could access the resources. This in part was what drew many of them to participate in this study.

At the end of the interview victims/survivors received: 1) resources such as numbers and names to community services, and 2) my business card or other document, such as the flyer with my most up to date contact information (for participant's future reference in case they wanted to add information they could not remember during or had questions or concerns regarding the study after the completion of the interview). In some instances I was in an agency where victim advocates, counselors and other resources were readily available. In addition, although I was fortunate and only made use of this once when we ran out of time, I would ask each participant for authorization to contact them for a second interview. I would explain this was just in case something required further clarification or if I simply wanted to follow up with them to see how they were doing. At the end of the interview, I thanked the participant, asked if she had

anything further to add or if she had any questions, reassured her that the information shared would remain confidential and that she could contact me if she wanted to add anything or needed further information or resources.

In developing a comparative study, I sought to obtain a quota sampling (Babbie 2009) and categorized participants prior to conducting the in-depth interviews. However, I did not predetermine who would be calling for an interview from what category in advance and had to develop and modify the number of participants in various categories and collect the data in “successive waves of data collection” (Miles & Huberman 1994:86).

All of the 16 victims/survivors that participated in the interviews were female and were between the ages of 26 and 49. Out of the total of 16 participants, 8 were Latinas [4-citizens (3-U.S. mainland and 1-island) and 4-foreign born (2-LPR and 2-undocumented)] and 8 were U.S. born non-Latinas. The majority, 15 of the 16 victims/survivors had children. The majority (13) of the women had never used a shelter.

The following definitions serve to clarify the categories of participants in this study. U.S. born victims/survivors of domestic violence included all those born in the United States, including Latinas born in the United States. For Latinas born in the United States there is a distinction between those who are mainland and the island born (Puerto Rican). Documented foreign born Latina victims/survivors of domestic violence were those who immigrated to the United States and entered the U.S. legally with a visa and at the time of the abuse had legal permanent residence (LPR) or were naturalized citizens.

The undocumented in this study refer to those immigrants who were living or working in the United States without permission from the Bureau of Citizenship and Immigration Services (BCIS) at the time of the abuse. Also included in this category are those individuals who pass through a U.S. checkpoint and present either false documentation or overstay their visa. Those in the process of obtaining their LPR were also categorized as undocumented because according to immigration laws they are treated as undocumented and do not have the rights of those with an LPR status or higher. Also, for the purpose of clarification, in some instances, the same person that had legally immigrated to the United States when experiencing abuse was by the time of the interview undocumented. It was also possible that the person that was undocumented at the time of the abuse had by the time of the interview moved to being documented. However, I must note that in most instances, I encountered more women who were struggling with a move into an undocumented status than the other way around. Participants were categorized as documented or undocumented depending on their status at the time of the abuse.

This study is representative of the main ethnic groups from Latin America in the state of Arizona with Mexicans as the largest Latino group. According to the most recent census data for Arizona, Mexicans represent a majority of U.S. born and foreign born Mexican immigrant Latinas, followed by Salvadorans, Guatemalans and then Puerto Ricans. This study represents the strong Mexican majority of immigrants in the state of Arizona.

Given that immigrant women can be found and that services for domestic violence victims vary throughout the state of Arizona, the interviews were also divided into three main regions (Northern, Central, and Southern) based on the state's 15 counties. Out of the victims/survivors who participated in this study, 5 were from the South, 6 from Central and 5 from Northern Arizona. This method assisted in selecting a diverse group of participants based on their background (legal status, gender, age, class, ethnicity, etc.) and their location (Northern, Central and Southern part of the state).

The in-depth interviews were coded using the qualitative data analysis software N'Vivo. In the process of analysis, a general code book was developed for all of the interviews gathered while working on the Morrison Institute project in 2007. Throughout this study, I was impressed with victims'/survivors' willingness and at times need to share their experiences. As one woman put it, "You are the first person that I can share my story that does not have a stake in the matter and I don't have to feel that what I am saying may be used against me." In fact, I continued to receive e-mails and calls from victims/survivors even after I had completed the study.

In some cases, the initial telephone conversation or the interview time was the only contact I had with the victim/survivor. Yet, at other times, the victims/survivors who participated in this study continued to keep in touch. To this day, I receive updates on how things are going with their lives. I sought to reciprocate victims'/survivors' and other liaisons' generosity of sharing with me their time and their experiences while I was in the field. During fieldwork, I

provided rides to and from children's schools, the grocery store, wrote affidavits and translations.

Through out the study, I sought ways to reciprocate the participant's generosity in taking the time to grant me an interview. Victims/survivors would call me to share their continued struggles with the CJS and other institutions such as CPS or even their lawyers. In some instances, I would remain on the line while the victim/survivor would find her way to a court. Other times, I translated signs and information over the phone as they waited to be called in to their appointment with a judge or other CJS entities. I did not compensate victims/survivors with money for the interview, but I do think that they were grateful with the favors I did for them, which have ultimately resulted in relationships of friendship, rather than a final monetary transaction.

Many of the women expressed over the phone and at the end of the interview that having been a part of the interviewing process was compensation enough or even better. As Belen stated, "This is better than something material." So, for many victims/survivors sharing their experiences in this study represented their only or one of the few means through which they could contribute to helping, informing and even possibly preventing domestic violence in future generations.

Summary

In this chapter, I discussed the methods utilized, the research site, the participation of the victims/survivors, and the methods used for analysis. In doing so, I explained the importance of epistemological and methodological issues and

concerns encountered during this research project. I described the multiple methods used for situating the research, and obtaining and conducting the interviews beyond shelters. Finally, I concluded by explaining in what capacity I maintained rapport with some of the victims/survivors. In the following chapter, I analyze and compare the experiences of Latina and non-Latina victims/survivors of domestic violence.

Chapter 4

THE MCDONALDIZATION OF DOMESTIC VIOLENCE

In the late 19th century Max Weber observed the process of rationalization as becoming central to the functions of society. In Weber's general theory of rationalization, there is an increased control over natural and social environments to achieve a desired end. It involves the development of social organization that seeks to achieve defined goals by efficient means "submission under legal authority is based upon an *impersonal* bond to the generally defined and functional 'duty of office.'" (Gerth and Mills 2003: 298). For Weber, bureaucracies were a paradigm case of rationalization that had increased mechanization and the division of labor that had taken over, "Everywhere the modern state is undergoing bureaucratization" (Gerth and Mills 2003: 232). As such, for Weber bureaucracy and rationalization were becoming the primary forms of thought and organization in Western society.

At the beginning of the 1980s, about a decade after the emergence of the anti-domestic violence movement, George Ritzer published an article drawing on Weber's writings with the title, "The McDonaldization of Society" (1983). In this article he points out bureaucracies are no longer the only or even the central manifestation of rationalization. Instead a wide range of rationalization is occurring across our nation and it encompasses such phenomena as fast-food restaurants, packaged tours, medical procedures, birthing, and most pertinent to this study, the legal process.

All of the victims/survivors of domestic violence who participated in this study expressed, to one degree or another, a sense of frustration at the lack of willingness by the entities involved in the criminal justice system to listen to them. Overall, the victims/survivors stated that the emotional non-verbal coercive and controlling abuse was not accounted for within the criminal justice system, with the most severe outcomes targeting those who were not recognized as victims by the system. As such, drawing on Weber and Ritzer, in this chapter, I have categorized the experiences of victims/survivors with the criminal justice system as characterized by rationality that emphasizes efficiency, calculability, predictability, substitution of human assistance for nonhuman technology and control over uncertainty on a non-emotionally charged assembly line like process that takes precedence over truth or justice. The accounts of dissatisfaction by the women interviewed are many and they intersect across geographic regions in the state, race/ethnicity, class, legal status and throughout the criminal justice system.

Culture of Rationalization

As Ritzer indicates efficiency is characterized by an attempt to find the best or optimum means to quickly and easily meet a goal. This need to quickly meet a goal usually requires that tasks be organized in an assembly line fashion. According to Ritzer, “One of the most interesting and important aspects of efficiency is that it often comes to be not a means but an end in itself” (26). To paraphrase Amy, a 41-year-old U.S. citizen nurse, the criminal justice system is a process, which can be just as overwhelming and abusive as the abuse experienced at home.

Safety and justice can become secondary to legal protocol. For this reason, Amy explained that on the evening of the last incident with her then husband who had just tried to kill her via strangulation, she hesitated in dialing 911. Amy stood in her back yard having taken the receiver and covered the phone stand with a paper so that her husband would not notice that it was missing. Her youngest had remained asleep during the incident and she had managed to convince her oldest teenage son not to interfere and go back to his room. In the backyard she had propped up some patio furniture up against the back yard wall to make sure that if her husband came after her again, she would have a quick escape: “I sat there. When I was out back I hit the nine and the one and I sat there for a minute and I go, ‘God do I do this or do I not do this?’ ‘Cause this will change me for the rest of my life. I hit that one and I never turned back.” Amy did dial 911, but she also disclosed as the interview continued that she was glad she did not realize that the challenges that lied ahead of her would be even more abusive than the abuser: “I felt like I was thrown to the wolves. Well you need to do, to do, to do, and it was like okay, how do I process all this?” Amy’s experience resonates with Sally’s, a foreign born Latina with legal residence:

I mean you can tell that the courtroom’s packed. It’s a job. You can tell it’s just like the cycle of getting people in and out of the system. It was just really sad to see that people are just looked at as numbers and not really as people, you know. Other than treating these cases as you know a number and just processing paperwork. It’s they are processing paperwork, they are getting all these people into this diversion program, charging families so much you know per month for this and that and for each session that they go to. Taking money out of the home incomes, to satisfy their business and that’s the way I see it.

Sally noted she perceived the pressure to move quickly through her case:

I feel the CJS is useless. I have worked in the legal field my entire life. I have worked in the legal system for over twenty years and I have upheld it, believed in it and I can tell you that when I walked out of court that day, I was ready to quit my job and at the same time ashamed to go back with the charges placed against me. I felt so abused by the system. I probably will never look at another police officer the same way that I did before this happened. I don't trust them, I don't trust them and I'm almost. I mean I never in my life have never done anything illegal. I am subconsciously concerned about ever being stopped by a police officer. Because I, they have created a distrust in them in general.

The victims/survivors described a displacement of the goals of safety and justice in order to accommodate to a routine protocol restricted by timeframes and procedures.

As Lorena's case, the 31-year-old Mexican LPR who by the time of the interview had become a naturalized citizen revealed, a bad experience with the first contact within the criminal justice system can result in an extension of the abuse. As other studies found (Brown 1984; Buzawa and Buzawa 2003; Erez and Belknap 1998; Erez 2000), police officers are usually the first contact a victim has with the criminal justice system and if this contact is considered "inadequate", it negatively affects the victim's ability to believe in the system and less likely to turn to the criminal justice system in the future. In Lorena's case, she waited three years before she made another call for help. In our conversation, she added, as many other victims interviewed in this study that the most disturbing aspect of her first encounter with the police was the minimization of the abuse:

She [the police officer] talked to him and then she came back down stairs and she said "Well he said that it's your fault that you did all this, that you did this and that." And I'm like crying and going no. And my neighbor saying, "I could hear him." You know? And she said, "Well, there's no eye witness . . . and there's really nothing wrong with you, but a little scratch on you knee." . . . At the end they [police officers] record your

testimony. So she says, 'Okay tell me what happened?'

Lorena expressed her dismay at the lack of sensitivity by the female police officer as she continued to describe the officer's response on that day and added, "She's telling me, 'Hurry up, I gotta go.' And 'Just get it over with!' And then she just recorded what I had to say and she was done." Furthermore, Lorena pointed out that when she read the report, she found that much of what was written; she had actually had not said during the interview and reflected the officers own views and misperceptions of what had occurred prior to her arrival at the scene. This made Lorena question if she was truly experiencing domestic violence. As Lorena indicated she was already struggling with identifying her abuser's actions as abusive. When the incident was dismissed after she had called the police, this sent a message to her and her abuser that the one protected by the law was him and not her. As Lorena put it, she concluded that she did not understand what domestic violence was under the law and that for her sake and the safety of her children, she would no longer call the police. She recalls that the only thing that had resulted from that incident was that he got angrier and took it out on her. This went on for another 3 years until she completed training through her employer, the Department of Economic Services (DES) on domestic violence and realized they were describing her situation at home. She was informed of her rights and on the next incident, she called the police. On this occasion however, as was stated earlier, there was a female officer willing to listen and go out of her way to follow through and document the abuse.

Victims/survivors described that not only were reports poorly completed, but in other cases, they were never produced. In this manner, victims/survivors expressed how their cases were handled without proper consideration. They expressed their dissatisfaction with how important evidence for their cases was omitted and reports were not adequately completed or altogether non-existent. For example, Mary a 28 year old U.S.-born Latina from the Northern part of Arizona explains, “When I went back to get some sort of report, just for my records. They had not made one. It wasn’t important enough I guess, to make a report.” Mary said this had not been the only time this had happened. On another occasion:

I called the police after that and let them know what happened there was no police report made that time either. I mean I was spit on, I was pushed, I was threatened and no police report made. They pretty much asked me, why did I leave my son there? Why didn’t I just get in the car and go when he was blocking the car? Was there any witnesses to prove it? And why didn’t I call? Why didn’t I just leave? So, I got all those questions.

As a single mother, attending school full-time and working part-time, Mary had no time to waste and yet she found herself seeking out non-existent records. Not only did she waste her time, but also got the message that the incidents were not severe enough to merit a report. For Karen, the 36 year old non-Latina U.S. citizen from Northern Arizona, it was not just getting police officers to write a report, but also the prosecutor to pull records and press charges:

I had a rib broken in 2001 or something like that and it was at the Pxxx courthouse. I’d mentioned that to him [the Prosecutor]. I have a doctor’s note, I didn’t go to the hospital right away, but I did call the police and so I said to the Pxxx Vxxx police that there’s an incident in 2001 because I was told that three domestic violence crimes misdemeanors turn to a felony. He said he’d have to have somebody there look it up, I said, “Okay.” I went back I said, “Did you find out about the prior charge, the domestic violence charge? He said, “No it’s down at that basement in

archives. I'd have to ask the secretary to go down there and get it. So I didn't want to bother her." So that file wasn't pulled, it's not in the computer system and he said it probably doesn't count anyway cause it's past five years. I said but this is 2006, if this was in 2001, it might count. He didn't pull it. He doesn't care. I don't know why, but he doesn't care. I don't know if he is the only prosecutor and that's why, if he's too overworked, or too many people back down or what it is, but it's not right. Because I'm already intimidated by men to begin with, so here I have this man prosecutor who's telling me that basically, it probably wouldn't count, he's not gonna bother somebody. I'm not gonna ask why, I'm afraid of him. Not that he's gonna physically hurt me, but the whole trust issue. The whole thing of him being a man, the whole thing from being in a domestic violence situation, I'm not gonna put my foot down with him. I'm too afraid because he doesn't come across as someone who cares to begin with.

As Amy, stated earlier, there is a long "to do, to do, to do" list for victims, but when it comes to the courts, arrests and holding the abuser accountable in general, victims experience frustration and they feel again intimidated, fearful and as if they are constantly exaggerating. For example, Karen also described how holding her husband accountable for his reckless behavior had nothing to do with domestic violence: "The fact that it was a domestic violence incident was incidental to them. All that really mattered is that the feds had been cost a lot of money and that had so much more importance than my life, my daughter's life or his second wife's. You know? Or what had been done to us." The fact that domestic violence had occurred was not the main concern for those involved with these cases.

The victim/survivor in cases such as these found that they became only a means to get to the criminal rather than doing justice for the abuse afflicted. As will be addressed throughout this chapter, the victims/survivors described a

system that does not have the capacity or the specialized training to deal with domestic violence cases.

Rationality also relies heavily on an emphasis on the calculability of quantity rather than quality. In such a system, the emphasis remains on telling us how many cases were processed in one day and the speed, rather than the quality with which those cases were handled, “Quality is secondary, if indeed there is any concern at all for it” (Ritzer 1983:29). Similar to efficiency, with calculability women saw their cases as just one more out of a large pile the criminal justice system needed to deal with by the end of that day. As Samantha a U.S. non-Latina citizen in her mid twenties explained:

I think the courts are extremely overloaded. These judges don't have time to know each others' court cases and that's so obvious every time we go back to court. They don't know the details. They don't remember the facts from previous times. It's kinda like starting all over. And it's not really . . . treated accurately. It's kinda like just going through the motions and I realize that they have a checklist at the end and whatever falls in what category is the ruling, but I just, in some cases it's wrong . . .

Again Amy, whose husband had attempted to strangle her while the children slept, also shared this same experience: “I just think he [the prosecutor] needs to be educated on domestic violence. I mean . . . he [her abuser] got a misdemeanor as opposed to a felony ‘cause the state of Arizona considers strangulation a misdemeanor as opposed to a felony . . . This prosecutor acted like . . . four months time that was good . . . to see him prosecuted. He says, “You are lucky it didn't go on for six months.” Like excuse me?! He should have never been allowed out of jail . . .” So victims/survivors are expected to make reverence for any outcome that is favorable to them and even pay for it.

I met Amy the day after she had received notice of the completion of her divorce. In addition to her trying experience with the prosecutor, Amy shared her indignity at the order by the judge to pay for her ex-husband's legal expenses:

I know the courts are over, their like way too busy, or that was the excuse I got for why it took so long for me to get my divorce. I'm thirty two thousand dollars in debt to my attorney for the last year and three months to pay for this divorce. I said, "I just want to get above water for God's sake." And I know he thinks I'm a smart ass, but I'm like, "You've been on my payroll, I can't afford you anymore. Honest to God you have half of what I make in my salary for a year." I said, "I don't have designated child support believe it or not for a year and a half and I don't have child support that comes to me on a monthly basis." The judge said in her paperwork that I have, that I am a registered nurse and that I can sufficiently provide food, shelter and utilities to take care of my kids. That's what she wrote in my paperwork . . . In my divorce, I paid for a year of marital residence. So I paid those mortgage payments for a year. We also had a cabin up in Overgaard that I paid three months worth of mortgage payments. My parents helped me pay cause I, there was no way I could do it. She stipulates that I owe him for half of the cabin payments for the last year that he paid. I'm also gonna be paying he's attorney fees. For my divorce, I'm gonna be paying his attorney fees. It's messed up.

Amy is by no means a passive, meek woman, but rather a woman that speaks her mind and possesses the economic and educational clout to stand her ground. As many of the victims/survivors interviewed, and one of the participants in the surveys put it, within the legal system there is a "Damned if you do, damned if you don't" scenario for the victim. Those that are perceived as assertive and confrontational do not fit the characteristics of a victim and those that appear passive and easily intimidated are perceived as deceptive and dishonest. Often the victims/survivors remarked that along with laws that do not reflect the severity of the abuse, they also had to work with judges, prosecutors, probation officers, police officers and attorneys who demonstrated limited or no understanding of

domestic violence. In this manner, the victims/survivors experienced revictimization by the system, particularly when the domestic violence victim did not fit the criminal justice system's definition of a victim.

According to studies (e.g. Buzawa and Buzawa 2003; Stark 2007) and my findings, the criminal justice system's emphasis on physical abuse and evidence of the physical abuse has influenced what types of abuse are punishable by law. In the criminal justice system there is an emphasis on discipline, order systemization, formalization, routine, consistency, and methodological operations, but most of all predictability, knowing what to expect. As such, victims/survivors of domestic violence are expected to fit the definition of a victim. According to the Arizona Constitution, a "Victim" is defined as "a person against whom the criminal offense has been committed or, if the person is killed or incapacitated, the person's spouse, parent, child or other lawful representative, except if the person is in custody or is the accused." (Ariz. Const., Art. 2, §2.1.C, ARS §13.4401.18). Throughout the criminal justice process, among other things, a victim must be treated with fairness, respect, and dignity, and be free from intimidation, harassment or abuse. (For more information on the rights of crime victims, please visit the Arizona Voice for Crime Victims website: <http://www.voiceforvictims.org>). Yet, while some victims/survivors fit the definition neatly, others do not.

Some victims/survivors did express satisfaction with the criminal justice system's response to domestic violence. In an ideal case, the abuse cannot be questioned and the victim is able and willing to provide the needed evidence.

Victim/survivors noted, consistency, flow of the events and timely supporting evidence were of the essence when establishing their cases of the abuse before the judge. In some cases, victims/survivors were fortunate that the evidence of the severity of the physical violence was all documented by multiple authorities in the criminal and medical systems.

However, as Stark points out, “Ironically, focusing on incidents of severe violence trivialized the strategies used to entrap . . . millions of women in similar situations leaving them unprotected” (2007: 3). The weight on the visual effects of physical abuse and the most severe cases of domestic violence injuries have served to shape and undermine the importance of the non-physical abuse.

According to victims/survivors in this study, recognition in the system as a victim plays a key role in participating in the criminal justice system. For those involved in the criminal justice system, being identified as a victim became indispensable in accessing resources such as restraining orders, a victim advocate, divorce or being able to establish a case against the abuser. Victims/survivors indicated that in order to be a victim within the criminal justice system evidence of the abuse needed to be presented in a convincing legal narrative. This evidence in most instances translated into proving physical violence. As in Gloria’s case, victims often summoned help on multiple occasions, but it was not until the aggressions escalated and the evidence became physical that action would be taken by the criminal justice system: “And he was arrested at that time for assaulting me, two counts of assault on two different dates. This was the first time they took him away [he had three other prior arrests for domestic violence], right

away. Only the last time was there enough evidence to pursue and the other times they just dropped them and then offered me counseling. The last one, right 'cause it was the only one with enough physical evidence.”

It is important to note that in some cases even when there are visible signs of physical abuse, difficulties exist in documenting the severity of the abuse and other evidence of the violence may be a better form of evidence. In most cases, as discussed earlier, the outcomes of a case lie in the initial response by an officer. An officer’s ability to document the abuse and provide information to the victim becomes fundamental in the outcomes of a domestic violence case. Nancy, a woman in her mid thirties, with visible signs of physical abuse such as missing teeth, permanent scars on her face and also non-visible signs, which she shared with me such as a popping jaw and migraines, found herself in a situation in which the domestic violence served of no use for keeping her abuser away from her and her children. On an occasion, when she had called the police after a severe beating by her now ex-husband, she found that the arrival of the police shortly after the beating did not allow sufficient time for the manifestation of the bruising. Therefore, after listening to what she had to say, “They turned around, they left. The next morning when I got up, I had bruises and hand prints all on my neck. All up here and up here [Nancy pointed to her face area and her head].” So the officers never saw the bruising and also did not produce a report of the abuse. In most cases, it is left up to the officers to decide whether or not an incident merits a report. In this case, given the lack of physical evidence at the time of their arrival, they dismissed the victim’s allegations of the severity of the beating

and did not write a report. Later, when she did go to court to the custody proceedings, she wished they would have written a report:

And there was no police report filed which would have been nice if they would have taken that report that night . . . Overall I think the judge did really good in my case, but it really didn't have anything to do with domestic violence. He said that since there were no reports he didn't want to hear about it, unless we could prove the domestic violence . . . but the thing was my entire neighborhood went in on the very first court date, the entire neighborhood was in the courtroom. I didn't realize they all knew about it. They called him the 'resident abuser' . . . So on our first court date they all sat in the courtroom and he didn't want to hear from any of them. So even though I didn't have a paper trail, I had an entire neighborhood sitting there that would have verified it. He didn't listen to one person.

At that point Nancy realized that in the end, it really didn't matter whether or not she had proof of the abuse. Originally, Nancy and her lawyer had discussed using both the domestic violence and the drug issues to request full custody of the children. However, soon they both realized that she would have a better chance at keeping her children, if she requested sole custody due to his problems with drugs. In the criminal justice system, drug use provides more protections for the victim and her children as usually drugs will render a heavier charge with more limitations, among other things, on visitation rights. So, even though Nancy's domestic violence included physical abuse, she never got to press domestic violence charges:

It really kinda irritated me because, but then again you know it's like I'm finding out that he could still get visitations with the children with domestic violence. My whole point of being there at this time, it wasn't to put him in jail for domestic violence because at that point, everything had been in the past. My point was to make sure the kids weren't going alone with him. And I had drug issues with him, you know, 'cause he was on meth. He started on meth in August and that's when I took such a severe

beating at that time because he was high on meth. That's why he didn't stop, that's why it was different because he was high on meth.

As Nancy clarified, safety, in the case of her children outweighed any concerns of getting her husband prosecuted for domestic violence. In her case, having proof of his drug addiction became an essential instrument in keeping her, and her children safe. As other women shared, charges of domestic violence allow the abuser to request visitation rights, extend the abuse against the victim and create the potential for abuse of the children. Therefore, even when there was physical abuse and victims were willing to press charges on domestic violence, in some cases, it was not be in their best interest and/or it was not an option.

So, what happens when there is no physical evidence of the abuse and there is no proof of drug addiction or any other evidence to support the victim's accusations of the abuse? What happens when the abuser is part of the criminal justice system? What happens when the victim does not fit the criminal justice system's definition of victim? What if the victim is identified as the criminal rather than the victim? According to Erez (2002), "When the proof of the defendant's guilt turns to the credibility of witnesses, battered women may not be perceived as convincing if they are too timid or frightened and thus unable to speak or give a coherent, reliably narrated testimony" (online). Often a victim is seen as irrational and inconsistent and pushed to conform to familiar and comfortable images that attorneys, prosecutors, judges and sometimes even advocates perceive as characteristics of credible and trustworthy accounts that will outweigh the credibility of the accounts by the abuser.

As Victoria a 40 year old U.S. born non-Latina so succinctly states, if she would not have been willing to press charges, she may not have been considered the victim: “My advocate in Pxxxx told my counselor that she has never witnessed someone so good in the court room as my ex-husband. That she gives him an A+. She said, [her counselor], ‘His lies were more credible than your truth.’ And that if I had not come forward, they would have believed everything that he said. She was there the whole time, I did not go to any of the court hearings because I . . . she went for me. She was my advocate.” Victoria was fortunate to have an advocate. An advocate who she described was willing to go beyond her 9 to 5 office hours and assist her when she needed it the most, sometimes late at night or when she was just getting her day started. As Victoria points out, “she [her advocate] believed in me.”

When everyone else questioned her in the criminal justice system for not having a consistent, flowing and well timed case, her advocate believed in her precisely because Victoria, as many other victims, had a hard time remembering her experiences, accounts were filled with inconsistencies in dates and other facts and she had trouble producing evidence.

Amy’s experience with the police helps to further illustrate how those in the criminal justice system can fail to identify domestic violence and serve to revictimize the victim:

He started stocking. He would do things like rearrange furniture in the backyard. Just for me to know that he had been there. He would leave cigarette butts stomped out by my car, so that I’d know he was there. He was sitting at my house, like at the side of my house. I would call the police every time. The police came out, they investigated and it’s his word

against my word . . . She came out and talked to me and she said to me, 'How do I know you're not lying to me?' I said lady, I'm surprised they didn't arrest me, I said, 'I have been abused for fourteen years.' I said, 'I am not gonna take your abuse, I'll walk out of here.' And I did I left. And so then I went home and I called the chief of police and I said 'I want surveillance cameras put up at my house cause nobody believes me what's going on out here.' I said, 'Everybody thinks I'm a nut. I want surveillance cameras put up here. So that you know what goes on out here. He's stocking me and I said I'm not crazy and the guy said that one more incident and the guy was gonna put surveillance cameras up. He [her ex-husband] ended up getting a girlfriend and he moved in with her and so things kinda settled down.

As Amy went on to say, it was sad, but given that she was having trouble in getting the police to believe her, she was glad he had found himself a girlfriend, another outlet for his abuse. Yet, Amy and others expressed that although they found respite from their abuser; the abuse had not stopped and only changed target. Furthermore, as in Amy's case, the recognition of a history of domestic violence by the criminal justice system rendered contradictory outcomes for the victim. Amy's case indicates that abusers can become experts at abusing through tactics that personify the abused as mentally unstable and make evidence difficult to produce. As a result, in the criminal justice system victims in some of the most abusive situations run the risk of never getting identified, particularly when those in key roles such as police officers and judges do not have an understanding of domestic violence and fail to recognize the signs of severe abuse beyond physical injuries such as broken bones and bruises.

Along with an effort to become more efficient, predictable and quantifiable, the system has become more of an automated process in which people are replaced by machines. Machines instead of humans, with few

exceptions such as when a victim places a 911 call, become the most common attendant to the victim's call for help. One important difference in services since the twentieth century is the addition of technological advancements. Most of us when we think of domestic violence and technology, we think of the cell phone campaign to provide victims of domestic violence with a means to call 911 (this is even when the cell phone does not have service connected to it). However, not much has been discussed about how technology has also come to hinder the process of seeking assistance by victims of domestic violence.

While technology was at times described as beneficial, it was more often than not depicted as a barrier. In speaking about their experiences with the criminal justice system victims/survivors expressed how technology was at times useful in keeping them safe. For example, Ann found the internet useful in seeking out information about her husband's abuse to his current wife when requesting the extension of an order of protection: "For instance, yearly I have to get my order of protection. And ohm sometimes that goes relatively smoothly, sometimes I have to try two to three times to get it for that year. And my last time I went online to see if he'd assaulted his second wife anytime recently and then I went back with the evidence that I had [to present to the judge]." In this sense, technology proved a useful resource.

However, at other times technology became a tool that the abuser utilized as part of his abusive tactics. Emily explained how she had a bit of both: "Oh, well, I could like the first time he busted the door, I did, I went to court and told them and it was, but that was easy cause it was video court and I didn't have to

see him and he'd, he didn't know that I was there. And the advocate stood up and said that what I wanted and they didn't even say I was in the courtroom, which was great. They had no idea that I was even there." In this case, again technology served to maintain Emily's presence anonymous and mitigated the fear, intimidation and revictimization that many victims expressed they experienced in court.

Yet, Emily, the same victim also experienced moments in which technology worked to extend the reach of her abuser: "One time I had horrible messages on my machine for over a week, messages like swearing and you know that I didn't want my kids to hear, but it took over a week and this was a female officer and then finally I got the man and came and got them. This female officer was horrible. She never called me back. She said they'd come get them and finally I just called and said I have to erase these. I mean like they were horrible." Thus while Emily found the technology of the video in court useful in keeping her safe and felt more at ease in attending the court hearings, the answering machine at home became an extension of the abuse.

Victoria, earlier introduced as a 40 year old U.S. born non-Latina, shares that she had to keep all of her abuser's messages on her cell phone as proof because while technology permitted her to have a log of his threats, there was at the time, no way of downloading the messages and deleting them without her losing the evidence:

And to this day I still have eighty four text messages on my phone that I have called all the companies. Nobody can get them off my phone, so they can't be downloaded. They can't be anything, so I can't do anything

except keep this phone for my proof. I don't have any kind of record. So, I don't even think I can change phone companies, which is what I wanted to do. The death threat that is what they took the picture of my text message on the phone, but there's eighty three messages ranging from I miss you, I love you, blah, blah, blah to you better call me back right now or you're gonna be sorry. Psychotic, but this is who the officers believe, it's this person . . . the other thing is what I was told by the courts is that they're inadmissible because he could just say somebody took his phone and did it and they'd believe it. But I still don't want to get rid of them because they are proof to me. So and here was the one officer that actually wanted to see the message, the other ones were like oh, it really doesn't matter, it really doesn't matter. So after the twenty three phone calls in one day and text messages, saying that I'd better come over to his house right away. I was told to have no contact. I went to court the very next morning, the one judge in Pexxx Valley. It was the same judge that had let him out Sunday morning and I said I thought he was to have no contact, I said to him, I wrote down, he wanted me to come over to his house. The judge said that he had told him no physical contact, but that he had given him the privilege of phone calls because my ex-husband said oh we have a son together, what if we have an emergency? I'm not gonna abuse it, I would never abuse it. I just need to know if there is an emergency and I need to contact her, I can. The judge believed him. And I spent the next day at the concert with twenty three text messages-harassment.

Victoria experienced what some scholars have begun to call cyberstalking. While Victoria could not make use of her messages in court, Angela a 49 year old U.S. born Latina married to an attorney, found that he was able to utilize his cell phone as proof of her abuse:

Now this is a three hundred pound man, who claims that he's afraid of me for absolutely no reason. I have no criminal history, no police history, no history of domestic violence, no psychological history, but he's trying to again build his case. And he has done this with getting an order of protection. How he did that. He was able to go to the judge and show the judge his cell phone records. Whereby he showed me calling him I don't know if it was between twenty and thirty times within a one hour period. Now I would call him, he'd hang up and you see he knows me and I'd call him right back, "Don't hang up on me!" Knowing that I'd call him right back. So it was like this little onset of anger right at the onset of the separation. So, anyway he went to the judge and said look here she's harassing me. She's called me between twenty, thirty times within and hour. So the judge gave him an order of protection . . . I violated a court

order. I was only allowed ten minutes. But he kept talking. He did not hang up. So he marched over to the police station and filed charges on me for breaking an order of protection based upon that. So that's called domestic violence, so now I have a domestic violence record on me.

Angela was perceived by the criminal justice system as the abuser. She now has a domestic violence charge against her, was mandated to take anger management classes for about a year, was on probation for 14 months and lost custody of her child. The consequences of the charges of domestic violence do not end there for Angela. As she is trying to move on, she now wonders if she will be able to use the teaching degree she is about to complete to get a job.

Angela also described the emotional aspect of having been labeled as the abuser instead of the victim and losing custody of her child:

As far as physical abuse, there's been really no physical abuse to speak of. It's been more of emotional and mental abuse. I've now, I've had contact with the Vxxx Center for Women and Children . . . until finally I've been able to stand up and say look, I'm a good mother I know who I am it's this legal system that has failed me. My only crime in this situation is believing in this legal system that the truth would prevail regardless of whether I had legal representation or not, regardless of what Mr. Watkins came into the courtroom as far as allegations and accusations. I thought truth would prevail and it has not . . . So what this is creating is a person that has just given up with this legal system. I don't feel that I have a voice. [By now the feisty, even angry voice that would surface earlier in our conversation is breaking down]. I feel like I've been silenced, I feel like a mother with her hands tied. Basically what they've done is silenced me and it's all been done through the court system.

In terms of technology, victims face inconsistency, in which it can be of great service to them or work against them to the point that they are excluded from the protections afforded to a victim. Thus, technology that is intended to facilitate communication and survival can also serve to silence, exclude, and as will be discussed next, delay the criminal justice system's response.

The following depict some of the delays that victims/survivors of domestic violence experienced in dealing with technology and the criminal justice system. Some of these may seem somewhat familiar to some of us in our use of technology in our everyday lives. For us, when the technology fails, it is usually an annoyance and a nuisance, but for victims, delays and error generated by technological devices may mean the difference between receiving assistance, losing custody, getting child support, staying informed, safety and even survival. Karen described her experience in leaving voice messages and using email for setting up appointments in the following manner:

The prosecutor, I would try to make appointments to talk to them about it, you know the case. [She was trying to notify them that] it was getting more progressive, you know he was getting more daring, you know stopping me over here within feet of my work you know, stopping me on the street when I'm walking. And they would tell me well I'm sorry, I'll take a message and have him call you. And it was going through the email we'd set up an appointment for an interview, where I was meeting with the administrator, the county attorney and my advocate, the council or just nothing else. We'll get back to you. We'll get back to you. That was last year.

Again, it is not just about the wait, but technology can serve as a barrier in keeping the victim informed at a time of increased risks, persecution and manipulations by the abuser. As Susana the 40 year old Mexican undocumented victim/survivor who later obtained her Legal Permanent Residence and her divorce all the week prior to our interview explained: "And you know what happened? Because my husband, he took my phone from me . . . I gave it to him, my cell phone. So I didn't have a phone anymore. I gave it to my husband. So, he had an opportunity to contest the restraining order. So he did. But I didn't know.

And so what happened is the charges were dropped because they called me and they left a message on the cell phone, but I no longer had the cell phone. And there was no way of telling me.” While technology has proven of great service against domestic violence and at times even as a tool for saving lives, it can also be used by the abuser as a means of extension of the abuse. As Victoria pointed out the laws need to catch up with technology because as it stands, some technology remains at some times inadmissible as proof of the abuse and at others as a means for prosecution.

Control: Again

The final aspect of a rational society is the use of control. Quite familiar to domestic violence victims is the use of authority over uncertainty by controlling the other person. In the criminal justice system this is usually over subordinates by superiors, for example, police officers over victims or judges over victims. Thus, victims/survivors describe how they relive control and manipulation that is maintained through fear of not just what is, but of what they “think” could be by the abuser in the criminal justice system. The difference is that this time it is abuse that enables the abuser and confirms what the abuser had always told them that the criminal justice system would in the end work in favor of continuing their abuse, not ending it. After all, the criminal justice system is manmade. The following are a few examples of experiences victims/survivors shared on how the system can and will work against them.

In Victoria’s case, she had presented letters from neighbors and friends who had witnessed the abuse, only to find that they would be used against her: “. .

. his public defender stood up and said we really have to give him credit because he didn't have any bashing letters towards her. He's just an outstanding citizen who made a mistake and he apologizes. Nobody stood up and said, he doesn't have any bashing letters towards her cause she didn't do anything. There are only letters pertaining to his behavior. Nobody stood up and said that. And so the judge squashed in a little bit, took off the thirty days." The public defender manipulated information that made the victim appear as a "basher" and the abuser as an "outstanding citizen." Not only does the judge or anyone else in the court not point out that the reason why there are no letters against the victim is because she did not abuse her husband, but then the judge decreases the sentence by 30 days.

This form of minimizing of the severity of the abuse often manifested itself in domestic violence cases in which custody of children were being determined. Glorification of the father figure and punishment of the victim through the criminal justice system for tinting an otherwise "good father figure" emerged often and is personified here by Amy:

I was looked upon in my divorce as someone who alienated the kids from their dad. I was this vindictive evil person who kept their kids from their dad because of what happened. The way I look at the court system is as looking at what happened to me as it was this minor thing. I should have endured it for that day. I should have just let it go. . . I kept them [the children] from their, I kept them from this crazy man as long as I could and I'm looked at as this alienating mother who kept their children from their wonderful dad . . . I got really reprimanded for this too that making their dad look like this bad person that I guess he really isn't.

Like Nancy, Amy's ex-husband also had problems with drug addiction, except that his problem was with prescribed, legal drugs versus street drugs: "He's also a drug addict. I mean, I don't know if that pertains to anything in here. But it's

proven that he's a known habitual Pxxxx, Lortab, Ativan addict. His been through treatment four times and they look at his problem as because his been in rehab that his cured. He just got fired from a job two months ago for Pxxxx diversion, but his cured." Amy hesitated on whether or not her ex-husband's drug addiction problem was pertinent to our interview since in deciding custody of the children, the criminal justice system had dismissed it. Furthermore, Amy was "reprimanded" for presenting evidence against her abuser and on occasions, as she pointed out during the interview, her initiative to present documents made her look like a "vindictive evil person."

As important as being identified as the victim may seem, some victims/survivors also expressed how being labeled "a victim" could work against them. In Amy's case, she was seen as possibly conjuring the abuse in order to get, what other victims/survivors called "revenge" through the use of the criminal justice system. This was particularly true in cases, among others of victims/survivors like Amy and Mary in which children were involved and victims/survivors sought full custody of the children. As Mary said:

If I did not have that felony, if he did not have that felony from 2002, the kids would have fifty-fifty with their dad. I mean it would have been a nightmare . . . I still got the lecture from the judge that decided our custody . . . on how the kids really have to have a relationship with their dad. But she took off the unsupervised visits. I mean I really am blessed because I did get sole custody, which I am now finding out only five percent of women get sole custody [in Arizona]. So, I really, I don't know how I did it, but I did it. . . So the last two years have been very challenging, I've had to kinda feel like I'm defending myself all the time.

The status of a victim in the criminal justice system requires that victims define themselves with contradictory characteristics. On the one hand, they must fit the

profile helplessness and submissiveness and yet are expected to take on full responsibility for presenting consistent, flowing and timely evidence. These contradictions often result in a shift from focus on the abuse and the abuser, to holding the victim accountable and revictimization of the victim. As the victims/survivors pointed out, holding the offender accountable was sometimes much more difficult than holding the victim accountable.

Conclusion

In this chapter, I analyzed the experiences of U.S. born and foreign born Latina and non-Latina victims/survivors of domestic violence. The qualitative narratives of women of diverse socioeconomic and legal status backgrounds in the state of Arizona narrated the contradictory experiences victims/survivors of domestic violence have with the criminal justice system (e.g. judges, prosecutors, probation officers and victim advocates). As this study indicates, U.S. born and foreign born domestic violence victims alike, appealing to the criminal justice system continue to render mixed outcomes depending upon the perceived severity of the abuse by those providing assistance and the victims' social markers such as race/ethnicity, class, gender, and legal status.

The victims/survivors described similar experiences of revictimization by the criminal justice system. As the cases presented here indicate, the lack of communication between entities in the criminal justice system about the abuse places the burden of proof upon the victim and increases the potential for revictimization. There is a point in which rationalization of the criminal justice system appears to take on a life of its own. There is a loss and displacement of

goals through the mechanical and routine adherence of protocols restricted by timeframes and procedures that ultimately lose sight of the victim and fall into the irrational and endangerment of the victim. As Victoria stated, “Court dates, meetings with officers, prosecutors, all of that. Your schedule has to be flexible if you want to proceed with this . . .” Also, victim/survivors spoke of abusive tactics by the system similar to those used by the abuser of control and intimidation. And finally, victims/survivors found that the seriousness of their circumstances often got minimized as actors within the criminal justice system (officers, judges, victim advocates, attorneys and prosecutors) downplayed the seriousness of the abuse and questioned the credibility of their accounts.

The comparison of non-Latina and Latina victims/survivors of domestic violence demonstrate that it is not just about leaving the abuser. When victims/survivors leave, it is about breaking with the institutions and the culture that support the abuse. Thus, island and foreign born victims/survivors become a heightened example of the struggles victims/survivors of domestic violence experience in general as they gather the strength and the resources to leave an abusive relationship. The difficulties that immigrant women experience reflect the experiences of domestic violence of non-Latina U.S. born women in the United States within an immigrant context. Although mainstream America would like to believe that this is due to the “other’s culture,” the inability of the criminal justice system to assist domestic violence victims has much less to do with what others bring with them and much more with the unresolved sexism, racism and class

issues that the United States continues to harbor in its institutions and as such in society at large.

Chapter 5

MOVING ON

In general, victims/survivors of domestic violence continue to indicate a mixed response to domestic violence by the criminal justice system (CJS). They struggle to surmount individual, as well as, structural barriers in their quest for safety. Victims/survivors find that rationalization within the CJS coupled with their own concerns for safety and a lack of confidence in the criminal justice system, influence their ability to find safety. One of the common themes throughout was the inability to hold the abuser accountable and the ability of the abuser to use the CJS against the victim/survivor.

As this study demonstrates, victims/survivors expressed commonalities in their experiences with the CJS. In this concluding chapter, I consider the challenges posed to the CJS's response to domestic violence based on the 16 interviews of Latina and non-Latina victims/survivors of domestic violence (U.S. and foreign born). Furthermore, informed by not only the victims/survivors, but also by my discussions with members of the CJS (police officers, advocates and community members), other research studies and my involvement with various agencies within and outside of the state of Arizona, I reflect and provide recommendations on how to improve the response by the CJS.

In time, the law has come to define domestic violence (what was once known as wife battering) as a crime and services in the past 30 years have increased considerably for victims of domestic violence. Yet, victims of domestic violence still consider involving the CJS an act that requires careful consideration

and at times the last resort. Generally, victims/survivors will first resort, if available, to their family, friends, neighbors, community and local shelters before ever seeking assistance from the CJS.

Victims/survivors had the most difficulty in cases in which their domestic violence remained, like their injuries, hidden and difficult to find. Also, while I made an effort to enter communities as a researcher and remain focused on domestic violence, as a Latina, I became a participant in addressing an array of issues related to the Latino domestic violence experience. The intersectionality that I use to analyze the experiences of victims/survivors also applies to my own role as a researcher in which my multiple identities as Latina, activist, volunteer, instructor, friend, partner, mother and friend influenced this project.

The intersectionality of domestic violence with class, race/ethnicity, gender and legal status reveals that victims/survivors exist in social contexts created by the intersection of systems of power and oppression. I found that as domestic violence gets placed in the context of rationalization, victims/survivors in general (U.S. and foreign born) experience a sense of frustration with a system that places efficiency, calculability, predictability, substitution of human assistance for nonhuman technology and control over uncertainty, over the safety needs of the victims and at times even exacerbate the situations. Thus, victims/survivors continue to experience a variety of legal, economic, and social challenges that produce mixed results.

The narratives point out that women are actively seeking to end the abuse and as the cases demonstrate, many of the victims are ready to become survivors

when they are presented with viable choices. Barriers such as the minimization of the abuse, abusive tactics similar to those used by the abuser within the CJS, the sense of not being heard within an automated system, all continue to plague the system.

For those with conditional status (in the process of obtaining their LPR) and the undocumented, it was their legal status that intersected in the domestic violence experience. For foreign born victims/survivors, the escalating Arizona campaigns toward the criminalization of immigrants has diminished the levels of confidence in the CJS and increased the levels of fear. After the signing of SB 1070, I participated and coordinated a forum on Latina issues and spoke with many of the attendees who worked on Latina issues in one form or another. Particularly for those directly involved with the Latino community, they were overwhelmed by the phone calls by immigrants who feared that they would be targeted by the police. One of the main concerns was the effects of fear that SB 1070 would have on years, even decades of building trust between the Latino community and law enforcement, especially reporting of crimes such as domestic violence. Although those of us present expressed concern, those who attended who were in the process of legalization or undocumented pointed out that they faced, like the victims/survivors in this study, a heightened potential for individual, institutional and cultural abuse. While Arizona has been and is increasingly so, a place where Latinos reside, the animosity through anti-immigrant legislation makes it difficult for some to remain and for others to trust

the CJS if they or other members of their family are undocumented (mixed legal status families).

Despite the many efforts to improve the response by the CJS and the legal provisions available to domestic violence victims, abusers often use the CJS as a weapon to continue to dominate and control the victim. Although U.S. born Latina and non-Latina victims within the CJS have been a part of the literature, much less attention has been focused on Latina immigrants, especially those with conditional and undocumented status. Consistent with other studies, such as Sokoloff and Dupont (2005), this study confirms that providing victims with culturally sensitive services without transforming structural conditions will not provide significant permanent changes to their situations and beckons researchers to focus on the intersectionality of domestic violence.

As literature on immigration and gender indicate, the intersection of legal status and domestic violence informs the negotiations of equality for women within the family. As I found in this study, legal status serves to establish the status of women within families and serves to privilege some and oppress others. Unlike U.S. born non-Latinas and U.S born Latina victims/survivors and those with Legal Permanent Residence (LPR) who do not need to concern themselves with their legal status when experiencing domestic violence, those with conditional and undocumented status and those in mixed families face constant barriers legal status specific barriers. Irrespective of their nationality (Puerto Rican or Mexican), Latinas in conditional and undocumented status found that when seeking safety their rights and options were determined by their legal status.

Furthermore, victims in mixed status families in which various members of the family hold a different legal status (citizen, LPR, conditional or undocumented), victims' decisions are influenced not only by their legal status but the legal status of other family members. For those with children, the status of children determined how long and when assistance (if ever) would be sought from the CJS. If the victim is undocumented, but the children have LPR or are U.S. citizens (USCs), then fear of deportation and thus separation from their children became another reason not to report the abuse. For those with spouses who also were undocumented, victims found that they would not qualify for services through VAWA and risk being deported along with the abuser. For those married to a USC or someone with LPR, fear of separation from children and/or lack of awareness of VAWA, or even not wanting to use VAWA for fear of losing or prolonging LPR, determined the victim's use of the CJS.

So, why do victims of domestic violence who are born in the United States also experience similar situations as those in conditional and an undocumented status? The island born Puerto Rican victim/survivor case illustrates that U.S. citizenship does not automatically translate into equal access to the CJS. Overall, structural inequalities in the CJS reveal that for even those born in the United States the intersection of imperialism, classism, sexism and racism reduce the quality of services for domestic violence victims/survivors. While it is true that the U.S. born are privileged through their legal status and have one less oppression to contend with, this does not mean that they are excluded from experiencing other forms of oppression.

Recommendations and Reform

A number of recommendations arise from the analysis of Latina and non-Latina U.S. born and Latina foreign born women's domestic violence experiences in regards to the CJS. As other studies have indicated, domestic violence requires a multi-faceted intervention from various societal sectors that include the collaboration of community and state based organizations and the elimination of gender, ethnicized/racial, citizenship based unequal relations. Furthermore, the needs of victims are not static and change over time at an individual, structural and legal level. Throughout this study recommendations by the victims and other CJS entities (including police officers, judges, and victim advocates) emerged. These recommendations will be discussed in the context of what Stark (2007) points out are areas of "limited success": accountability, safety, justice, and empowerment of the victims. Note that all of these categories overlap and furthermore, in no manner do these recommendations make a call to regress domestic violence to the private sphere. Instead, these recommendations reveal that services need to expand to also help those in "the complicated" cases.

Although a focus must remain on women, there is also a need to move beyond the deeply engrained gender bias and into a more inclusive acknowledgment of the intersectionality of power and oppression on domestic violence. As advocates against domestic violence we need to move away from holding women as the "victims/survivors" responsible for solving the problem of domestic violence and men as the "abusers" as excused and removed from the discourse. These dichotomies, while useful at some point have become outdated

and have become a barrier for addressing the issue of domestic violence at an institutional level.

Of equal importance to having laws against domestic violence is their implementation. As pointed out earlier, the victim's and the CJS's goals at times remain in conflict. As such, victims do not simply see the CJS as an immediate recourse, but instead must justify the need to involve the CJS. Victims/survivors of domestic violence explained that when seeking out the services by the CJS, rarely did they receive a consistent response. As Stark argues, this inconsistent response reflects the lack of acknowledgement of nonphysical violence, "everyone acknowledges that domestic violence is about power and control. But we have yet to incorporate this truism into our understanding of abuse to our response" (2007:13). In other words, the current programs and interventions have yet to hold accountable the offender, as well as institutions, which work in alliance to sustain cultures that foment domestic violence. In this study, victims expressed their unwillingness to prosecute in a system that holds them and not the abuser accountable, and at times goes as far as to criminalize them.

Victims/survivors pointed out the inefficiencies of treatments and assistance for the abusers that do not contain any way of holding the abuser responsible for attending and completing treatment programs. Yet, even when abusers comply with educational programs such as in Sally's case, victims/survivors express dissatisfaction with treatments such as "anger management courses" that do not address the problems at their core. As scholars point out, there is no evidence through evaluations of programs that include anger

management are successful at modifying the abuser's conduct. In some instances, as was found in this study, victims reported that they serve to increase the retaliation against the victim. Furthermore, victims expressed how any further involvement of the CJS may only serve to extend the abusive relationship they are attempting to end.

Yet, even when victims were willing to prosecute, they found no recourse for prosecuting their case for domestic violence. As the cases of those victims/survivors of domestic violence whose cases did not withstand the rationality of the system demonstrate, domestic violence often gets displaced in the legal system. In essence, at times, family law and criminal law come head to head and nullifying one of the primary goals of assisting victims; safety and justice. Therefore, one of the needs and challenges for the CJS is to establish a network between the family and criminal court systems in order to coordinate services and provide victims and abusers alike with adequate assistance.

Legal time frames and legal status serve to silence victims of domestic violence. As stated earlier, victims make safety for themselves and their loved ones, the main priority. As the foreign born victims/survivors of domestic violence who were in the process of obtaining their LPR and the undocumented indicated their criminal status as undocumented took precedence over their status as victims of domestic violence. As victims/survivors in this study indicated, other criminal activity takes central stage and domestic violence continues to not be considered a "serious crime." Often, under the law, it was the abuser and not

the victim that was able to prove a crime in a court of law, making the victim, the criminal.

As the emphasis remains on physical violence within the CJS, so does the dichotomy of what justice is for the victim and the CJS. Victims remain perplexed by the CJS's inability to acknowledge that for them, the victim, prosecution and punishment may only be one and may not even represent the most important component in obtaining justice. Victims explained how they continue experiencing loss, while the abuser moves on, "as if nothing." The victims, on the other hand, faced the consequences of financial and emotional losses for following what researchers, counselors and the CJS agree they should do; leave. As cases from this study illustrated, in the process of leaving, victims saw their safety and income diminished or annihilated. Their homes literally and figuratively taken away, and at times custody of their children shared or lost to the individual that had caused them so much harm.

As some of the victims/survivors expressed, they had come to terms with the visitation rights that the abuser got, although they felt this was a high price to pay in return for their freedom, and many more resented that the abuser had rights even when they were not contributing financially and emotionally to the upbringing of the children. Yet even when some victims admitted that they could not simply forget and forgive what had been done to them and getting even was one of the motives for seeking justice, victims explained that it was not just a matter of simply getting even with the abuser. Victims expressed the desire for telling their full story and being heard, in hearing the offender accept

responsibility and apologize for the abuse, and in somehow curtailing the potential for others to fall victim to the same abuser, not just adults, but children as well.

Victims/survivors expressed concern not only about their own situations, but also of those of their children and of future generations. Of particular concern was the lack of communication between family and criminal courts. Ultimately as the system currently works, it is in the judge's hands to determine how much weight to accord domestic violence in deciding for example, custody rights. Essential to improving the use of services by victims/survivors of domestic violence is ensuring that keeping families together and providing a father figure do not take precedence over the safety of the victims and their children. At present, victims/survivors contend with legal mandates that force them to send their children to an abuser and among other things provide financial assistance for legal services that benefit the abuser such as reimbursement for legal and counseling fees. Therefore, while victims/survivors find some respite in services provided through the CJS, they also continue to experience the CJS as an enabler of the abuser.

Victims/survivors stated on multiple occasions that the CJS needed to recognize that nonviolent abuse requires special attention and resources. While the physical abuse remains unacceptable and appalling, the victims underscored the importance of acknowledging the crippling effects in their lives from the routine nonphysical abuse. The victims/survivors expressed a need to

acknowledge the nonviolent components of the abuse such as the isolation and surveillance that deprived victims from leading independent adult lives.

All of the victims/survivors spoke of individuals and organizations that made a difference and helped them “survive.” Although not everyone found victim advocates and organizations helpful, consistent with other studies, this study found that most victims found victim advocates and shelters key in their ability to find their own voice and move on with their lives.

Empowerment of the Victim

Overall, victims/survivors expressed that having a victim advocate made an immense difference in their safety and in understanding the CJS. Victims of domestic violence generally encountered victim advocates in domestic violence shelters. However, they also spoke of advocates from medical facilities and in the CJS. For victims to qualify for an advocate through the CJS, they usually spoke of an incident considered severe enough to be a felony level crime.

Victims/survivors indicated that advocates served as guides in a convoluted system that they found intimidating and difficult to understand.

Many of the victims/survivors in this study expressed similar sentiments toward shelter and victim advocate services. They spoke about shelters and community agencies as institutions that made them feel protected, stronger and not alone. The victims spoke of listening as one of the most valuable gifts they received from those supporting them. According to the victims/survivors, listening provided the credibility and worth that many victims lacked in their

relationships. These victims/survivors spoke of the need for motivation, to simply even go through the mounds of papers that were handed to them.

Victims/survivors conveyed a sense of frustration in the amount of paperwork they needed to go through in order to find help. They recommended that main numbers and names be pointed out and even circled as they were handed to the victim. As Holly et al. (2008) states, when victims are given information without any further assistance it is just as good as neglecting to provide them with anything all. This is important and police officers and other CJS entities need to be cognizant of services and pass them on to victims/survivors. Yet, victims/survivors continued to identify listening as one of the most important motivators and sources of empowerment.

One of the most impressive and admirable characteristics I observed of victims/survivors was their ability to listen and think beyond themselves irrespective of their own situations and struggles. Many of the women in this study expressed their desire to become a part of or shared that they are currently participating in activities within organizations and groups that educate and litigate in favor of domestic violence victims.

Therefore, victims/survivors themselves are a key to the solution, as was documented throughout this study. They are the ones participating and speaking out. However, this does not mean that they have to do it alone and furthermore, for those obtaining their LPR or the undocumented although they have a voice of their own, they are not always heard. And yet, victims/survivors in all categories, including the undocumented spoke of being in the process of one day being able

to do things to speak up against domestic violence and help others. Contrary to those who were Latina and non-Latina U.S. citizens or residents, those in the process of legalization or undocumented constantly spoke of resolving their legal status first before being able to fully engage in the domestic violence movement.

Victims/survivors are aware of their power. They realize that they have the power to change the course of their lives and that if they choose to do so, they can decide to take a course that does not have to be determined by a man. Yet victims/survivors continue to struggle with the inequalities of a system that overall considers only some worthy of being a victim and “others,” as non-deserving.

Everyone needs to stop judging and make use of resources already at their disposal. The judges need to stop using the thick book on domestic violence laws as one judge at a meeting put it, “as a door stopper.” The police officers need to give out resources and follow up by putting victims in direct contact with resources and writing accurate reports that can be used in a court of law. Prosecutors need to actually make an effort to understand cases and talk to the victims/survivors for more than fifteen minutes over the phone right before a trial. Victim advocates, researchers and all involved in domestic violence, must obtain up to date information through ongoing trainings. Several misconceptions that ultimately lead back to blaming the victim must no longer be practiced. Here are just a few examples of tenants that are obsolete and should not be practiced anymore:

- All victims must leave their abuser when asked to do so.

- All victims have the same needs and fit a neatly organized definition that is convenient for us all when placed on paper (these include the police report, the court decision or the research paper) and for measuring our success and that of victims/survivors.
- Families must be kept together at any cost.

All of the women interviewed had moved on with their lives and had succeeded in achieving some of their dreams to some extent or another. For some victims/survivors it was completing the divorce process, others full custody of their children, yet others simply not having to live with the abuser, going back to school or finding a job, were all measures of success.

Although victims/survivors remained critical of the criminal justice system, overall those that used it stated they would use it again because “What other choice do I have?” Thus, victims/survivors indicated that they would continue to use the criminal justice system and demand for themselves and others the accountability, safety, justice and empowerment they deserve. As victims/survivors expressed and I have learned over the years, this is not something that will change tomorrow, but it is also something that is not going to go away on its own.

Summary of the recommendations:

- Ensure that victims/survivors of domestic violence are not revictimized by the CJS. Criminal law must end the hierarchal order in which domestic violence holds a last place and many times gets dismissed in light of other criminalization of the victim and the abuser. For example, current

immigration laws at the local level such as SB 1070 shadow the effects of federal laws such as VAWA that seek to provide some respite from threats of deportation for immigrant victims in the process of legalization or who are undocumented. As long as there are local laws that do not acknowledge that victims face multiple forms of oppression that go beyond gender, victims will remain trapped for longer periods of time in abusive relationships.

- The divorce between criminal and family law must end. The mechanisms for establishing a dialogue between criminal and family law must exist. For example, when determining custody and visitation rights, a judge handling the case must comprehend and be literate on domestic violence law and its relationship to the case he will be reviewing. The history of the abuser must be present and disclosed in every court determination.
- Keeping families together at the risk of endangering and extending the abuse through children needs to end. A father figure that abuses the mother of child and will continue to abuse other partners if no treatment is received does not serve as a good role model in general and only serves to perpetuate the idea that domestic violence has little if any consequences for the abuser and that this is acceptable social and family behavior.
- A series of leveraging mechanisms need to be developed to hold the abuser accountable. For example, the abuser should not be granted visitation rights unless the abuser complies with the mandated obligations (child support, treatment programs, etc.). Also, employers (institutions

such as the border patrol and the military) must not only have manuals with protocols on domestic violence, but also a series of measures in place that will enforce what is written and hold the abuser accountable. When institutions get involved it sends a clear message that this is not just a private matter that can be shoved under the rug.

- Treatment plans must go beyond physical and sexual abuse. Treatments must also include other forms of male domination and power inequalities in the family such as emotional and controlling abuse.
- Treatments need to be enforced beyond the courts. The referral for treatment should not be limited to an abuser's willingness to appear in court or for a judge to determine the charges. Treatment should be available through various social institutions such as employers and health and social services.
- Services and agencies must remain culturally appropriate. Along with the recommendations that other scholars have made for immigrant women on shelters, support groups and courts, providing language and other culturally appropriate assistance, in this study the need to involve immigrant women in the process of change also became apparent. For example, immigrant women expressed the desire to participate in domestic violence legislative groups that provide criminal justice system and other professional groups with information on their experiences. Thus, one way of involving immigrant women would be to have translation services, as

well as, English courses to encourage them to eventually gain the ability to speak up on their own without an intermediary.

- Engage men and boys in strategy development of programs for the prevention of domestic violence. It is well known that involving men and boys in what until now has been labeled as a “women or girl problem” would increase the possibility of changing attitudes and behaviors embedded in society and institutions that have linked masculinity with violence. An excellent example of a program with promising changes to violence as an acceptable social male behavior is the program by Jackson Katz. He describes The Mentors in Violence Prevention (MVP) Model as:

. . . a gender violence, bullying, and school violence prevention approach that encourages young men and women from all socioeconomic, racial and ethnic backgrounds to take on leadership roles in their schools and communities. The training is focused on an innovative "bystander" model that empowers each student to take an active role in promoting a positive school climate. The heart of the training consists of role-plays intended to allow students to construct and practice viable options in response to incidents of harassment, abuse, or violence before, during, or after the fact. Students learn that there is not simply "one way" to confront violence, but that each individual can learn valuable skills to build their personal resolve and to act when faced with difficult or threatening life situations. (For more information visit: <http://www.jacksonkatz.com/aboutmvp.html>).

This program is currently being implemented nationwide, but not in Arizona. This program initiated at the university level with male athletes in 1993 precisely because of the difficulty of female led programs in getting men involved in the fight against violence against women.

Efforts to end domestic violence must begin to focus on the abuser and institutions and not remain primarily focused on the victims. One suggestion

would be to have shelters for abusers. In essence, the abuser would be the one to leave and enter a shelter in which counseling and other services would be made available. The abuser would continue to contribute to the shelter by continuing to work or seeking employment. Also, efforts must continue to hold governments and local institutions accountable for commitments to ending domestic violence and education must be present at every level (from judges, to the victims, to children).

Conclusion

As some scholars indicate (Holly et al. 2008; Stark 2007), victims in their efforts to end domestic violence, will continue to use the criminal justice system, although they will be constrained by the intersectionality and multiple oppressions that continues to inform social and legal conditions available to them. If the CJS is to avoid revictimization and provide respite, then some decision-making power over the outcome of cases must be granted to the victims whom as has been illustrated here are ready to collaborate in being active agents of change. Also, the rates of success must no longer be measured in terms of the number of cases that are successfully prosecuted by the CJS. Instead, it is important to measure success by the response to victim's needs and objectives.

As was discussed earlier, this does not necessarily mean that the perpetrator will remain unaccountable, but rather that the CJS's definition of accountability and success will correspond with a victim-sensitive approach. In addition, non-profit and victim group services should be supported and

encouraged by providing the much needed link between Federal funding (such as VAWA), state and local services.

As was noted in this chapter, some of the most meaningful experiences for victims of domestic violence were those that had to do with victim advocates that may or may not be a part of the CJS. This can be attributed to the training and lived experiences of advocates that make an effort to convey to the victim that they are being taken seriously and make every effort to treat the victim in a caring and dignified manner. Furthermore, in order to end the cycle of abusers who go from one victim to another, it is necessary for the courts to take into consideration the history of an abuser. Treatments need to go beyond the until now dominant form, anger management. They should include mandated parenting courses and evaluations linked to visitations rights. It is imperative that prevention campaigns move beyond female adults and focus on incorporating men as educators and children as the receptors of such an education.

Finally, victims/survivors must be insured that reporting will not come at the expense of surrendering rights to legal and social services. In addressing immigrant victims/survivors, it is also crucial to note that legal status represents but yet another form of oppression. Legal status in domestic violence becomes an additional form of abuse. This becomes particularly salient when through immigration laws and policies; men with either Legal Permanent Residence (LPRs) or U.S. Citizens (USCs) are legally entrusted with their spouse's petitioning process for legal status. The immigration status increases the dependent status of the person being petitioned. As described by some of the

victims/survivors in this study, being dependent on an abusive spouse for legal residence reinforces the power and control held by the abuser. Thus, ending an abusive relationship is not just about leaving the abuser; it is about breaking with the institutions and the culture that supports the abuse.

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APPENDIX A
OUTREACH FLYER



ARE YOU A VICTIM OF DOMESTIC VIOLENCE?

Every day, men and women throughout Arizona are attacked or have property damaged by husbands, wives, boyfriends, girlfriends, or other intimate partners. Researchers at Arizona State University are looking for victims of these crimes who are willing to talk - in complete confidence - about how their case was handled by the police and courts. Our goal is to improve the way Arizona deals with domestic violence victims. If you have been a domestic violence victim involved with the criminal justice system (by calling the police, getting an order of protection, etc.) within the past two years, please help by calling the Morrison Institute for Public Policy toll-free at 1-866-496-8875, by emailing us at Morrisondv.v@gmail.com, or writing us at the DV Project, Morrison Institute for Public Policy, Mail Code 4220, 411 N. Central Ave., Phoenix, AZ 85004.

REMEMBER: YOUR NAME AND ADDRESS WILL NEVER BE MADE PUBLIC

THANK YOU!



¿Es usted víctima de violencia doméstica?

Todos los días, hombres y mujeres en Arizona sufren daños a su persona o a sus propiedades por parte de sus esposos, esposas, novios, novias u otras personas que forman parte de una relación íntima. Científicos de la Universidad Estatal de Arizona estamos buscando a personas que han sido víctimas de este tipo de crímenes y que están dispuestas a platicar—con completa confidencialidad—acerca de cómo sus casos fueron manejados por la policía y la corte. Nuestra meta es mejorar la forma como Arizona trata a las víctimas de violencia doméstica. Si usted ha sido una víctima y a buscado ayuda en el sistema legal de justicia (llamando a la policía, pidiendo una orden de restricción u arresto, etc.) en los últimos dos años, por favor llame al Morrison Institute for Public Policy sin costo alguno al 1-866-496-8875, comuníquese por correo electrónico a morrisondv.v@gmail.com o escribanos a la siguiente dirección DV Project, Morrison Institute for Public Policy, Main Code 4220, 411 N. Central Ave., Phoenix, AZ 85004.

RECUERDE: SU NOMBRE Y DIRECCION NUNCA SERAN DADOS A CONOCER

¡GRACIAS!

APPENDIX B

DV INTERVIEW PROTOCOL: VICTIMS

Interview #: _____

Date: _____

Interviewer: _____

Location: _____

Thank you for agreeing to participate in this recorded interview. You will be asked to share your experience, opinion and suggestions on what, if anything could be improved within the criminal justice system's response to domestic violence.

This is completely voluntary and confidential and you may choose not to answer a question and/or end the interview at any time. The results of the research study will be published, but your name will not be used.

Police

1. Did you ever have contact with the Arizona police concerning domestic violence within the past 2 years?

If yes, then ask:

2. What was your experience like?
3. Did you get a chance to tell your side of the story? Did they listen?
4. Were you satisfied with the results?
5. Do you think it was handled in a fair manner?
6. If children were present when police came, what if anything was the impact on them ?
7. Do you have any recommendations as to what could have been done differently?
8. If needed, would you call the police again?

Victim Advocate

9. Did you have contact with a Victim Advocate in Arizona concerning domestic violence within the past 2 years?

If yes, then ask:

10. What was your experience like?
11. Did you get a chance to tell your side of the story? Did they listen?
12. Were you satisfied with the Victim Advocate's assistance?
13. Do you think your case was handled in a fair manner?
14. Do you have any recommendations as to what could have been done differently?
15. Would you request to have a Victim Advocate again?

Prosecutor or anyone else from this department

16. Did you have contact with a Prosecutor (someone in this department) in Arizona concerning domestic violence within the past 2 years?

If yes, then ask:

17. What was your experience like?
18. Did you get a chance to tell your side of the story? Did they listen?
19. Were you satisfied with the Prosecutor's (or others') assistance?
20. Do you think your case was handled in a fair manner?
21. Do you have any recommendations as to what could have been done differently?

Judge

22. Did you have contact with a Judge in Arizona concerning domestic violence within the past 2 years?

If yes, then ask:

23. What was your experience like?
24. If your children were ever present in court, what was the impact on them?
25. Did you get a chance to tell your side of the story? Did they listen?
26. Were you satisfied with the judge's assistance?
27. Do you think your case was handled in a fair manner?
28. Do you have any recommendations as to what could have been done differently?

Probation Officer

29. Did you have contact with a Probation Officer in Arizona concerning domestic violence within the past 2 years?

If yes, then ask:

30. What was your experience like?
31. Did you get a chance to tell your side of the story? Did they listen?
32. Were you satisfied with the Probation Officer's assistance?
33. Do you think the Probation Officer handled the case in a fair manner?
34. Do you have any recommendations as to what could have been done differently?

If Immigrant:

35. Did you receive legal assistance?

If no, probe as to why not and if yes, then ask:

36. What was your experience like?
37. Had you ever heard of VAWA?
38. If children involved, are they US citizens? How has your legal status affected them?
39. Were you satisfied with the legal assistance?
40. Do you have any recommendations as to what could have been done differently?

General

41. Did the overall criminal justice response make you feel safer?

- 42. If you could have obtained counseling with your abuser after the last incident, would you have wanted it?
- 43. After the last incident, did you want to stay in the relationship?
- 44. Is there anything else?

Demographic Information

- 45. Gender _____
- 46. Age _____
- 47. What is your ethnicity/race (How do you identify yourself)?
- 48. Your marital status?
- 49. What is your zip code?

Thank you once again and although there may be no direct benefit to you, the possible benefit of your participation is that it will help improve services within the criminal justice system.

If you have any questions concerning the research study, please call me at (602) 496-0211.

APPENDIX C
IRB APPROVAL LETTER

Date: January 10, 2011

Maria Olivia Salcido
Arizona State University
Tempe, AZ 85287

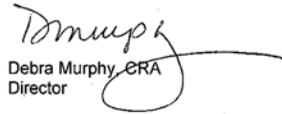
Dear Maria Olivia Salcido:

The Office of Research Integrity and Assurance and IRB Chair, on behalf of the Social Behavioral IRB have reviewed the updates to your dissertation entitled "Wolves" or "Blessing"? Victims/Survivors' Perspectives on the Criminal Justice System".

It has been determined that the IRB's requests for revisions from the December 10, 2010 IRB meeting have been fulfilled. Your dissertation has been updated to remove the research cases that were collected without IRB approval and other data collected were under the auspices of the Morrison Institute.

We appreciate your commitment to the protection of human subjects.

Sincerely,



Debra Murphy, CRA
Director

Cc: Cecilia Menjivar, Ph.D, School of Social and Family Dynamics
Linda Lederman, Ph.D, Dean College of Liberal Arts and Sciences
Richard Fabes, Ph.D, Chair, School of Social and Family Dynamics
Mark Roosa, Ph.D, Chair, Social Behavioral IRB
Beth Israel, Associate Vice President Research Policy and Assurance
Susan Metosky, IRB Administrator
Joan Brett, Ph.D., Associate Vice Provost, Graduate College

Office of Research Integrity and Assurance
Center Point, 660 S. Mill Avenue Suite 315

| PO Box 876111 Tempe, AZ 85287-6111 | P 480 965 6788 | F 480 965 7772

¹ For several reasons this study focuses on Latina immigrants and not other non-Latina immigrants. First, the study needed to remain at a manageable size for a single researcher. Second, Arizona's large Latino population made this group stand out from all other immigrant groups. Third, the researcher's past fieldwork and familiarity with the Latino culture (language, events, customs, etc.) made working with the Latino community feasible. Furthermore, this study initiated as a part of another research study by the Morrison Institute for Public Policy at ASU, which focused on domestic violence and the criminal justice system and this set some of the parameters, including the focus on Latinas. Finally, my own personal interests in the Latino community, domestic violence and immigration all come together in this study.

² Although this study does not focus on men as victims or same sex couple victims/survivors, it acknowledges that abuse also exists in these contexts.

³ These services included counseling, support groups for same sex couples, and legal and translation services for immigrant victims. It is difficult to secure specialized professionals when the average starting salary for an advocate is of \$24,765 and most services rely on professionals (including lawyers and academic scholars) who volunteer their time and expertise.

⁴ I am not a victim/survivor of male domestic violence per say. However, now I realize that I grew up not only in a violent environment by living in a barrio (low-income primarily Mexican immigrant neighborhood in L.A.), but also, experienced domestic violence all around me. As domestic violence took on new meaning and I moved beyond the physical as the primary defining point of domestic violence, I began to define domestic violence in a broader sense. As such, I would explain to inquiring interviewees that although I did not identify myself as a "victim/survivor," I believed that all we, as a society, are all affected by domestic violence. As Bourdieu points out, symbolic violence is "gentle and often invisible violence," but this does not mean that it is not "real" (2001). The effect of symbolic domination is self-perpetuating through institutions, such as families, the church, the educational system, and the state that we all form a part of and as such we all serve to reproduce. By living in a society that condones male dominance and control in the family, we form a part of an apparatus that as a whole perpetuates violence against women in the family.

⁵In anthropology this has been an ongoing phenomena from the days of Malinowski in the 1920s (Emerson 2001: 141-142) to sociology with Max Weber (1968).

⁶Consistent with Naples (2003), Reinharz (1992), Harding (1987) and Stacey (1988), I conclude that while the features of social change, human diversity and interaction have consequences for the selection of research methods, there is no good reason to call them methods and so a specific feminist method does not exist. This does not diminish the strength of feminist research as key in the shift from monolithic views and assumptions; instead it gives it greater weight by acknowledging its strength in challenging classical ethnography through theory and questioning what research includes as valuable social knowledge.

⁷ I later learned that these service professionals were deriving their dealing with domestic violence in what originated as The Domestic Abuse Intervention Project (DAIP) of 1981 in Duluth, Minnesota and now is commonly referred to as the Duluth Model. For more on the origins of this project see <http://www.duluth-model.org/dfvhistory.html>.

⁸ The dates and divisions of the various waves of feminism remain problematic. While some scholars argue that there are three waves of feminism, others claim that there are four. Consistent with most of the literature I reviewed, I have divided the feminist movement into three main waves of feminism with an emerging wave of feminism as a part of the third wave.

⁹ In some cases I will use the term wife abuse or wife-beating for consistency with the time period under discussion.

¹⁰ The inception of liberal feminism is surrounded by social change in the Western Hemisphere. In the realm of knowledge schools of thought emerge such as the French Auguste Comte positivism, Soren Kierkegaard's existentialism, and Charles Darwin's theory on evolution. In England Queen Victoria begins her rule and during accelerated industrialization provides on the one hand, the force for capitalist expansion and on the other, the rise of the proletariat-the working class. In this same time period, Marx structures his theory on history founded on economic development and class struggle. From 1830-1910, a male led two-way migrant process takes place between Europe and America, facilitated by technological (steamships and railroads), economic (industrialization) and political (turmoil in Europe) changes. In the United States, slavery and women's rights are at the forefront of current events. In 1848, Sojourner Truth lectures about suffrage and abolition and gives the women's-rights movement the tools for

advancement. However, Black women's contributions and issues such as rape by the white master and working in the fields remain unacknowledged in the Women's-Rights Movement. In that same year, the first "Woman's Rights Convention" takes place in Seneca Falls, New York setting the agenda for the Women's Rights Movement as one of seeking equal treatment of women and men under the law and voting rights (Kent 2004). Along with the Women's Rights Movement a concern for domestic violence arises, leading to the establishment in the 1870's of the first family violence social agency (Gordon 1988). However, women continue to struggle, especially if they are married, over rights to their property and earnings and the right to vote until 1920.

¹¹ Such as in the case of the writer Mary Wollstonecraft who assisted her sister in leaving her abusive husband and wrote about the subjection of women in *A Vindication of the Rights of Women* (1792).

¹² The second wave of feminism begins with Japan's surrender at the end of WWII in 1945. This return to stability after the war sets the stage for a push in the United States toward a search for social stability. Marriage is sought at an earlier age and the roles of male as breadwinner and female as a domestic and mother are set. In *Marriage, a History*, Stephanie Coontz explains how this is a unique period in Western history in which marriage provides the context for just about every segment of most people's lives. "Never before had married couples been so independent of extended family ties and community groups. And never before had so many people agreed that only one kind of family was 'normal'" (2005:229). The feminist movement in the United States and Europe was dormant and while feminist scholarship continues, such as Simone de Beauvoir's *The Second Sex* (1952), her criticisms of marriage and domesticity arrive at a critical and hostile time in between the psychoanalysis and sexology debates of the twenties and thirties and the end of WWII. The language used during this time by "marital conflict" social workers illustrates what today is called "blaming the victim." Gordon writes "the language not only places onto the woman the responsibility for "getting along" with a violent man but through use of the passive, makes it appear as if the violence just "happens"" (Gordon 1988:284). The denial of wife beating was expressed in the language that placed the woman at fault for not being able to keep her man happy and diminished the seriousness of the abuse. However, women did not always accept their subordination and what abusive partners and other professionals deemed as "provocations" was not only to blame women, but also uncover women's resistance.

By the middle of the 1950's and the beginning of the 60's, social trends world wide begin to challenge the stability of the previous decade with events such as the conflict of Korea, the Cuban Revolution and the start of the Cold War. In the United States, the Civil Rights Movement begins to take force with the US

Supreme Court ruling of 1954 in which segregation by color is declared unconstitutional. Two years later, Martin Luther King Jr. emerges as a civil rights leader. In the following years, tension grows in the United States as desegregation attempts in Southern schools takes place in an effort to implement the Supreme Court ruling.

¹³ Regardless of class, race/ethnicity, age, nationality, etc.

¹⁴ In general, immigrant women have noted mistreatment by U.S. officials and the judicial system worse than that experienced at the hands of those they seek to denounce and flee. See Coutin (2003).

¹⁵ An individual who either crossed the border without legal documentation, became a visa overstay or by any other means lost legal status and remained in the U.S. without the permission of what used to be know as Immigration and Naturalization Services (INS) and today is Border Control Immigration Services (BCIS).

¹⁶ I did not have anyone participate from the LGBT community, although I did have the unexpected participation of a heterosexual immigrant woman who had discovered she was married to a Gay man who upon the discovery of his sexual preference became abusive.

¹⁷ Survey developed by Morrison Institute research team-this includes me. Had feedback from domestic violence experts in CJS, community service providers and victims/survivors.