

If you have issues viewing or accessing this file contact us at NCJRS.gov.

153458

S T O P

VIOLENCE

A G A I N S T

W O M E N

NCJRS

MAR 22 1995

ACQUISITIONS



Strategies for Ending

Violence Against Women

BUILDING SOLUTIONS - FORGING A STRATEGY FOR CHANGE
NOW LEGAL DEFENSE AND EDUCATION FUND

NOW LEGAL DEFENSE AND EDUCATION FUND gratefully acknowledges

E. I. Du Pont de Nemours & Co.

The Ford Foundation

Johnson & Johnson, Inc.

Merck Family Fund

Ms. Foundation For Women

Norman Foundation

Shaler Adams Foundation

and numerous individual supporters

for their commitment to the Fund's National Campaign to End Violence Against Women.

153458

**U.S. Department of Justice
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Now Legal Defense and Education
Fund

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Layout and Graphic Design generously donated by Liz Claiborne, Inc.

Writer: Jane Alpert

Editor: Vivian Todini

Copyright © 1994 NOW LDEF

Violence Against Women: A National Epidemic

Epidemics bring suffering to victims and terror to the community. But they also bring a societal commitment to finding a cure. Even as we seek to come to terms with the tragedy of AIDS, we are engaged in a worldwide effort to end the scourge. In our lifetimes, we can recall similar, ultimately successful, efforts to defeat lethal epidemics of tuberculosis, polio, and influenza. We know that once we find the cure, we stamp out the disease.

How tragic it is to be living through another epidemic - an epidemic of violence against women that claims hundreds of thousands of victims each year, but one that society stubbornly refuses to acknowledge, much less seeks to control and cure.

Unlike AIDS, the epidemic of violence against women is not a new disease. The history of "mankind" has, too often, been the story of men being unkind to women in very violent ways. Rape, domestic violence, genital mutilation, persecution for witchcraft - the physical subordination of women, often with the connivance of the law, has been a tragic theme of our past.

Why do some men prey violently on women? What turns a "normal" husband into a wife-beater? Why do so many jilted suitors lash out so violently against the women they claim to love?

What drives teenage boys to sexually abuse a girl in a municipal swimming pool?

Like AIDS, the epidemic's toll is staggering. In 1992, over 55,000 American women were raped each month — over 1,800 women per day. That same year, almost 30% of the women murdered in the United States were slain by their husbands or boyfriends. An estimated two to four million American women were battered by their spouses; 15-25% of those women were pregnant.

The epidemic's toll isn't only physical. Measured in jobs not taken because of security concerns, fear of violence ranks as the number one

hurdle facing many women in the job market. Measured in lifestyle choice, fear of violence often deprives women of the joys of exercise, recreation, and friendship that men take for granted. Measured in psychological terms, fear of violence condemns millions of women to lives of fear and insecurity.

The first step in dealing with any epidemic is persuading the authorities that it exists. Unfortunately, American law continues to treat the problem of violence against women as though it were a series of isolated, unconnected individual breakdowns of law and order. Violence motivated by gender is not merely an individual crime or personal injury, but is a form of brutal discrimination, an assault on a publicly-shared ideal of equality. When half of our citizens are not safe at home or in the streets because of their gender, we know we have an epidemic on our hands.

"In 1992,
over 55,000
American women
were raped
each month —
over 1,800 women
per day."

Until a cure is found, we must deploy every vigorous and forceful legal strategy we have to inoculate women against violence. We must demand better law enforcement; more sensitive prosecutors; and, most importantly, a private civil rights remedy that will allow women to fight back against gender-motivated violence.

We must join together the forces of health care, education, social services, and legal services to confront this epidemic. On the legislative front, NOW LDEF is working hard to ensure that the Violence Against Women Act, a key piece of legislation designed to safeguard the rights of women, moves swiftly through Congress. As leaders of a 900-member task force, we've been working closely with legislative sponsors to make sure the most effective and comprehensive legal responses to gender-motivated violence are steadfastly included in the bill. We will not settle for anything less than aggressive legislative intervention to stop the violence.

Finally, we must turn to the men who are free from the virus; who treat women as equals, with dignity and respect. We must urge them to help combat the disease, not merely by continuing to lead lives of decency and caring, but by actively combatting the aspects of male culture that nurture and justify treating women as objects rather than as equals. Here, as in virtually every other area that really counts, the final victory over this tragic epidemic will be won by women and men working together. But until that

"Fear of violence condemns millions of women to lives of fear and insecurity."

great day, we must continue to work together to stop the spread of this disease.

*-Helen Neuborne, Executive Director
NOW Legal Defense and Education Fund*

The NOW Legal Defense and Education Fund

The NOW Legal Defense and Education Fund, a NY-based national women's rights advocacy organization, has taken a leading role in the national effort to eradicate violence against women and girls. The Fund chairs a national task force on violence against women and, working with over 750 organizations, monitors federal and state policy initiatives and provides information and assistance in the development of programs to combat violence.

Since 1990, NOW LDEF has been the principal technical advisor to Congress on the ground-breaking Violence Against Women Act. Underlying the Fund's

support for this legislation is the view that gender-motivated crimes, including rape and domestic battering, are a form of sex discrimination for which a civil rights remedy should be available in the federal courts. In addition to giving women who are victims of violence recourse to a federal civil rights remedy, the Violence Against Women Act will accomplish a number of other goals. It will provide grants to improve the performance of police and prosecutors in cases of violence against women, create educational programs to prevent rape and domestic violence, provide training to

combat judges' gender and racial bias in sexual assault and domestic violence cases, and increase funding for rape crisis centers and battered women shelters. NOW LDEF seeks not only to change the laws but also to change the nation's attitudes toward violence against women. To this end, its public education initiative includes forums, workshops, and seminars to gather information about the problem and build the path toward finding, enacting, and enforcing solutions.

Besides working on behalf of the Violence Against Women Act, the Fund's docket currently includes legal support for battered immigrant women, protecting women's reproductive rights, ending discrimination and sexual harassment, expanding legal remedies for survivors of incest and marital rape, equal education rights for girls, and taking legal action against punitive welfare measures that discriminate against low-income women. Other organizational programs include the National Judicial Education Program (NJEP), a joint project of NOW LDEF and the National Association of Women Judges designed to tackle the biases, myths, and stereotypes about rape that still pervade the courtroom.

NOW LDEF's October 23, 1992 Forum: Building a Multi-Disciplinary Approach

On October 23, 1992, the NOW Legal Defense and Education Fund sponsored a one-day multi-disciplinary forum called *Violence Against Women:*

Forging a Legal Response. Held at the Bar Association of the City of New York, the forum brought together professionals in the fields of health care, education, criminal justice, and social services who are acknowledged experts on violence against women. The purpose of the gathering was to exchange views and to put forward recommendations reflecting an interdisciplinary approach to the problem of ending the violence.

This forum was the third in a series undertaken by NOW LDEF's National Campaign to End Violence Against Women. In 1991, the first forum, held in Washington, D.C., gathered representatives of 75 women's organizations for a discussion of the Violence Against Women Act and featured Senator Joseph R. Biden, Jr., its chief Senate sponsor. In April 1992, the second forum, "Violence Against Women - Forging a Public Policy Response," drew together West Coast activists, providers, and policy makers in a lively town meeting in Los Angeles.

Participants in NOW LDEF's October 1992 New York forum are among leaders from health care, education, criminal justice, and service delivery who over the past two decades have identified, analyzed, and documented the phenomenon of gender violence. They — along with their fellow professionals, scholars, organizers, and activists — have gone beyond simply defining the problem. Through diligent research and forceful advocacy, they have made possible a great number of concrete advances as well as

"One of the
fundamental
tasks ahead
is to change
these
underlying
attitudes."

heightened public awareness of the subject.

Because of their initiatives, new organizations and networks of organizations have sprung up to provide counsel, shelter, support, and services to the victims of violence, to train professionals, to educate the general public, conduct research, and fight for new approaches and enhanced resources. Guidelines and protocols are now in place in a number of institutions and a support system of agencies, organizations, professionals, peer counselors, and self-help workers is available to some victims.

To provide an atmosphere that would create the most solutions-oriented approach, each participant was asked to bring specific recommendations for legislative initiatives and model programs to the forum. Many of their recommendations are cited in detail in the following pages. In addition, the NOW Legal Defense and Education Fund has developed its own recommendations for a multidisciplinary solution, and these appear in the concluding section of this report.

Because of the joining together of professionals from various fields, it was possible to glean from the day's discussions a wide-ranging view of the obstacles in the way of ending the violence and to begin to map a broadly effective strategy.

Yet two great challenges lie ahead. The first challenge is to enlarge the meager resources that exist today for prevention of violence, for effective treatment of men who commit violence, and for adequate support

"This report
is intended
to be
another
building block
in that
strategy."

for all women who are victims of violence.

The second challenge is even greater. Gender violence, ranging from harassment to battery, rape, and murder, is still widely perceived as a woman's personal problem, brought on through her dress or behavior or attitude. Despite the wide agreement of experts on the roots of the problem, and all the change that has taken place, much of the public — both male and female — still does not see male violence against women as a social problem that must be stopped.

One of the fundamental tasks ahead is to change these underlying attitudes.

A special mid-day presentation by Kimberlé Crenshaw, Samuel Rubin Visiting Professor at Columbia Law School and professor at University of California at Los Angeles School of Law, focused on theoretical issues that underlie issues of race, gender and violence. Crenshaw's speech cast into high relief concerns about differences of race, class, and culture that

recurred often in the presentations of other forum participants. Crenshaw stressed, as did a number of other speakers, that adequate research remains to be done to document the particular nature of violence in the lives of women who are not from the majority white culture. A centerpiece of her presentation was her discussion of the Senate confirmation hearings on the appointment of Justice Clarence Thomas, in which she said the personal reality of Anita Hill as an African-American female victim of violence was "erased" — cancelled out by clashing myths of rape and the lynch

mob. Crenshaw also invoked the memory of Sojourner Truth, who, a century ago, "stepped into that chasm between race and gender and was able to challenge myths that kept white women in their place and denied humanity to black women." She called on the forum participants to keep Truth's challenge in mind as they moved toward new solutions, and to pay close attention to the particular experiences of all women who suffer from violence, not just those of the dominant culture.

At the end of an intense day of questioning, note taking, and exchanging of references and phone numbers, it seemed to most in the room that the work was just beginning. The isolation of anti-violence activists in different professions had, at least for the day, been bridged. A cross-disciplinary dialogue had begun, and it was clear that it had to continue as a part of any successful strategy to reduce violence against women. This report is intended to be another building block in that strategy.

The Staggering Toll of Violence Against Women

In the past 20 years, violence against women has increasingly touched every aspect of our lives. The violence itself and the climate of fear and terror that it creates have a lasting impact on women's emotional and physical health and curtail women's opportunities, dignity, and freedom. Violence against women occurs across the full spectrum of women's relationships with men, within every social institution, and at every stage of women's growth and

development. Women suffer from this violence at the hands of men who are their acquaintances and partners, colleagues and spouses, classmates and supervisors, strangers and relatives.

Assaults against women are on the rise. The National Crime Survey of 1989 found that assaults against young women rose 50 percent since 1974, while assaults against young men dropped 12 percent. Over the past decade, the rape rate has risen four times as fast as the total crime rate.

When the National Coalition Against Domestic Violence reports that an estimated two to four million

American women are battered by their spouses (15-25% of these women are pregnant) and the FBI reports that almost 30% of women murdered in the U.S. are slain by their husbands or boyfriends, it's not surprising that fifty percent of all homeless women and children in the U.S. are fleeing domestic violence. (Sheehan, Myra. A., *Juvenile and Family Justice Today* 1993).

Approximately two-thirds of reported domestic violence incidents are classified as "simple assaults," which is a misdemeanor rather than a felony. But up to 50 percent of these "simple assaults" result in physical injuries that are as or more serious than 90 percent of all rapes, robberies, and aggravated assaults.

Among men and women who know each other, sexual violence is so widespread that the National Victim Center and Crime Victims Research and Treatment Center data shows that 12.1

"Over the past decade, the rape rate has risen four times as fast as the total crime rate."

million American women report having been forcibly raped at least once, in the great majority of cases by men who were not strangers to them. Furthermore, 39 percent of the women who report being raped say that they have been raped more than once.

Violence against females transcends age. More than one out of four of all rapes are committed against girls who are younger than 11 years old reports the National Victim Center and Crime Victims Research and Treatment Center.

At work, many women are sexually harassed and pressured to engage in sexual behavior at the risk of losing their jobs. To avoid being assaulted, women often turn down otherwise desirable jobs because they involve working at night, traveling, or relying on possibly dangerous public transportation.

All society bears the economic cost of violence against women. One economics expert has estimated that employers incur between \$3 and \$5 billion in expenses annually because of absenteeism caused by domestic violence. The American Medical Association estimates the cost of domestic violence at \$5 to \$10 billion a year in health care expenditures, lost wages, criminal litigation, and incarceration of batterers and juveniles driven to crime by an abusive domestic atmosphere.

Services Beyond the Criminal Justice System

The legal options that have been created as a result of the movement to stop violence against women

“39 percent of the women who report being raped say that they have been raped more than once.”

have made a real difference to many women. As Elizabeth Schneider, professor of law at Brooklyn Law School, pointed out:

Every state now has vehicles for orders of protection for women who have been battered....Also, criminal remedies [for women who are victims of domestic violence] have been dramatically expanded.

At the same time, Schneider, voicing a sentiment shared by many others, underscored that a full-fledged response to violence against women must embody more than a change in the laws.

In the majority of cases, the legal system becomes available as a recourse only after a crime has taken place. It can do little to prevent violence before it occurs or to change the attitudes that lead to public condoning of violence or to blaming the victim.

Furthermore, the criminal justice system is often not the chosen recourse of women who are the victims of violence.

For a number of reasons, a woman may be reluctant to press charges against a man who abuses, rapes, or batters her. The man may be someone she loves and wants to change, rather than send to jail. She literally may have nowhere else to go. She may want chiefly to keep her family together. She may fear that no institution can protect her against a violent man singlemindedly bent on revenge. If the victimization occurs on the job, she may fear retaliation and loss of the income that provides her self-sufficiency and supports her family.

Furthermore, the legal system has a history of

being used unfairly, not only against women of all races but also against men of color, immigrant men, and men who are unemployed, uneducated, and poor. In many communities, women perceive the legal system as a tool of an elite that has little or no concern with their well-being.

At best, the legal system intersects only with a relatively small number of the women who become the victims of violence. Before turning to the legal system for help, most women will seek help from their neighbors, family, colleagues, or friends, or from health care and social service professionals. For all these reasons, a narrowly defined legal response to the problem of violence against women will necessarily be inadequate. A multi-disciplinary approach and perspective is essential to overcome the inherent limits of the legal system.

Broad Considerations in Forging a Legal Response

In forging a fully adequate legal response, it is necessary to ask what measures will pressure and assist our health, educational, human service, and other social institutions to recognize and deal with the problem. We must seek to do more than redress injuries that have already occurred, and begin to take affirmative action that will actually stem the tide of violence.

An adequate response to violence against women must go beyond the present limits of the legal system and accomplish the following objectives:

- *Take into account the particular realities*

of women from all classes and races confronted by violence;

- *embrace preventive as well as responsive strategies;*
- *include broad educational reform;*
- *hold institutions responsible for educating professionals and enforcing anti-violence regulations and policies;*
- *be rooted in a broad-based, multi-disciplinary perspective that will foster multi-pronged solutions and give women recourse to a broad spectrum of remedies, including the civil court system.*

Changing the Educational System

Schools are places where early attitudes about gender roles and gender violence are shaped. They are therefore ideal arenas for efforts to prevent violence. Yet instead of educating children to respect and appreciate one another's differences, to recognize the mutual interdependence of male and female, and to resolve conflicts peacefully, the schools themselves have become common settings for violent acts against young women and girls.

To begin to change these actions and attitudes, speakers at NOW LDEF's forum called for new anti-violence initiatives. They called for reforming the way schools respond to violence against women and girls, educating both children and adults to see this behavior as unacceptable, and targeting educational programs on sexual violence to professionals in a range of disciplines.

Several forum participants illustrated the disturbing inequity girls

"Schools are places where early attitudes about gender roles and gender violence are shaped."

experience within the educational system. Nan Stein of the Wellesley Center for Research on Women drew attention to sexual harassment and abuse in the public schools, citing incidents that involved children as young as elementary school students. Stein suggested that school systems had a history of condoning this behavior, even when it was clearly unlawful. For example, she recalled a teacher in the Montana school system who had molested girls for 35 years, but was simply transferred from school to school as each new principal discovered his abusive behavior.

Karla Zombro, a student at the University of California at Los Angeles who serves on the Executive Committee of the United States Student Association, charged that universities have generally failed to protect women from acts of gender hatred and violence, including gang rape. Zombro recited a chilling song lyric from the pledge book of Zeta Theta, a national fraternity, glorifying the sexual abuse and death of a Latina woman. She argued that the misogynistic culture of fraternities was directly related to sexual violence on campuses. She claimed that the condoning of anti-woman violence on campus had its roots in the close ties between fraternities, university administrations, local police departments, state legislatures, and other figures in government.

Gail Garfield, coordinator of the Advisory Council to Research and Respond to Violence in the Lives of African American Women, said that violence so permeates the lives of children of color that it is difficult

"Schools themselves have become common settings for violent acts against young women and girls."

to tell how African American girls and adolescents might experience violence that is gender based, rather than race based. "Universal assumptions based on the majority culture are not good enough," she said, and called for a "baseline research initiative that will focus on the lives and experience of female children of color."

Katia Petersen, an independent consultant who has written a domestic violence prevention curriculum for the St. Paul, Minnesota school system, discussed her experiences working with teachers and children to create a violence-free environment. She found that effective preventive education had to begin with teacher training programs. When she began her work in the St. Paul school system, she recalled:

Teachers said to me, 'I am not a social worker or a psychologist. I am a teacher.' I answered, 'Your job, as a wonderful teacher, is to find the most creative way to reach the child emotionally, psychologically, intellectually.' We cannot look at little children as students. We have to look at them as whole human beings. To do that, we have to teach the educators.

Petersen also emphasized that educating teachers to combat violence and harassment in schools had to take into account teachers' own negative feelings about the school environment and their daily battles to do their job, recalling, "I had to figure out a way to enhance staff self-esteem so that teachers could enhance their students' self-esteem."

Petersen stressed the importance of follow-up to educational programs. "Once training has taken place," she said, "support groups, collaborative initiatives with community groups, and teams in charge of follow through need to be put in place. I know a lot of wonderful programs that are started and dropped because there's no follow up."

Forum Strategies: Changing the Educational System

1. Examine the anti-violence initiative passed by the state legislature of Minnesota as a model for introducing appropriate violence prevention programs in public schools.

2. Use the findings presented in reports on sexual harassment in schools, such reports as by the National Council for Research on Women, NOW LDEF and the Wellesley Center for Research on Women, and the American Association of University Women as bases for new initiatives.

3. Insist that school personnel adhere to their mandate to report violent behavior inflicted on women and girls.

4. Ensure that teachers and other school personnel who are guilty of violent or harassing behavior against women and girls are dealt with appropriately, and not allowed simply to transfer to another educational venue.

5. Investigate how the connection between college fraternities and college administrations, police bureaus,

and other institutions may deter the prosecution and disciplining of fraternity members for violent crimes against women.

Educating and Training Professionals

Education is not conducted only in the schools, but instead, takes place in every sphere of social life — through the media, through communications in the workplace and other public arenas, in private exchanges, and in professional forums.

Just as schools have become arenas for inculcating and inflicting violence rather than preventing it, within the very professions where women most often turn for help, misogyny and misguided attitudes have been permitted to flourish.

Speakers in every discipline testified to the need for anti-violence education and training of professionals in their fields. Many pointed out that professionals in the criminal justice system, health care, and social service fields currently receive almost no training to help them understand the impact of violence on women or to assist them in giving concrete assistance to women who come to them for help. Several speakers stressed that while guidelines and protocols are welcome, they are meaningless in the absence of training.

Peter Viccellio, M.D., a faculty member at the State University of New York at Stony Brook Medical School,

"Misogyny and
misguided
attitudes
have been
permitted
to flourish."

compared doctors' ignorance about domestic violence today to their ignorance about child abuse years ago.

Back in the 1950s, when a child was admitted to a hospital with multiple fractures, they looked for a metabolic abnormality. If the child had bruises all over his body and hemorrhages in his brain, they worked him up for platelet abnormalities. It took years to convince the medical profession that these symptoms were the result of persistent abuse in the home.

Fred Schiavone, M.D., another faculty member at Stony Brook, said that the lack of awareness of medical professionals had led researchers to underestimate the extent and severity of the problem.

The data says that only 20 percent of the victims of domestic violence use emergency rooms. I think it's much higher. The only data we have deals with women who are physically injured. It doesn't touch on the ones who come to the hospital for medical reasons, psychosocial reasons, because of their isolation and fear. We haven't touched the surface, just looking at the numbers, of the awareness problem... We have to make every physician on this planet aware that this is a problem and that we have to deal with it. We have to get that message out.

Dr. Jacqueline Campbell, former associate professor of nursing at Wayne State University and currently Anna D. Woolf Professor at Johns Hopkins University School of Nursing, advocated training programs that were based on partnerships among doctors, nurses, and social workers. She held up as a

**"We have
to make every
physician on
this planet
aware that this
is a problem."**

model a multi-disciplinary training program at Rusk Presbyterian Hospital in Chicago — a "joint program between nursing and social work where the medical profession helps too."

Schiavone took issue with Campbell's view that training should be multi-disciplinary.

I find that I can talk to physicians because I'm a physician. I have tremendous problems training other professionals, such as judges and lawyers, because they say, 'You can't tell me how to judge, you're not a judge.' At the grassroots level, I think you have to have physicians training physicians, lawyers lawyers and judges judges. Once you have raised awareness in all these professions, then you can have a multi-disciplinary approach.

Similarly to Katia Petersen, Schiavone stressed the importance of following up after training. He mentioned a program in which "people go out to the hospital after the educational process and put what was learned into the specific hospital or emergency room setting."

Another subject of controversy was whether training should be mandatory. Campbell was strongly in favor of mandatory training and has endorsed a bill drafted by U.S. Rep. Ron Wyden of Oregon that would make training on abuse mandatory in medical, social work, and nursing curricula. Schiavone argued that mandated training was too often of low quality, "like being tortured for two hours."

Elizabeth Schneider agreed that mandatory

training was often bad training, but said it didn't have to be that way. She recommended that trainers relate professional problems to personal experience and use examples from literature and popular culture that "give people an opportunity to talk about the deeper values about gender that are at the core of the problem."

Susan Herman, director of the domestic violence division of Victim Services Agency in New York City, suggested that prosecutors needed more training to help them keep victims of violence involved in a prosecution effort.

District attorneys need to bend over backward to help battered women stay with cases. They need to know that battered women, from our research at Victim Services Agency, do not drop cases at any greater rate than any other intimidated witness. That's powerful, because the image in the criminal justice system is that battered women drop out, they won't stay with it. All intimidated witnesses drop out of cases. And imagine the kind of intimidation when you know the person who's threatening you and what they're capable of.

Educating Judges and Juries

Marjory Fisher, chief of the Special Victims Bureau at the Queens County District Attorney's Office, named a number of areas in which she felt that judicial education would aid in presenting a fairer trial.

Judges must be educated to control unbridled speculation in the jury room, to

stop defense attorneys from making the argument that sex was consensual and rape is being falsely reported, to tell jurors that no corroboration is required and that prosecutors have no burden to prove that a weapon was used or that injuries were involved, to explain rape trauma syndrome, and to allow prosecutors to conduct voir dire [jury selections] that ferret out jurors' prejudices.

Even when a woman is willing to "go the criminal route" and is given every protection of the law, the process can still backfire in the jury room, where the public's views of gender roles become the final arbiter. Fisher said that, as a prosecutor, her principal difficulty in obtaining rape convictions came from the biases of jurors.

Jurors today hold victims responsible for rape. I've tried 20 or 30 rape cases myself, and so often the jurors' question is 'What was she doing there?'...All the legislation in the world is no good if people who are potential perpetrators, victims, and jurors are not educated about acquaintance rape. High school and college students have to learn that rape has nothing to do with whether people know each other. It has to do with control and violence.

Cassandra Thomas, director of the Rape Crisis Program at the Houston Area Women's Center in Texas and president of the National Coalition Against Sexual Assault, suggested that juries could do a better job in sexual assault cases if expert witnesses had more opportunity to present testimony.

When the general public does not understand sexual assault or rape trauma

"District attorneys need to bend over backward to help battered women stay with cases."

syndrome, how can we expect them to rule? We need to have experts come in and explain why victims/survivors take three days to go to the police. Expert witnesses can make a big difference to victims/survivors in the legal system.

Research Needed on How Violence Affects Women of Color

Finally, several participants called for more research to understand how violence affects women of different ethnic and racial groups. For example, Jacqueline Campbell said:

The way the [battered woman] syndrome is written up now, it doesn't work well for African American and Puerto Rican women, because the research was done mostly on white women. That is the most glaring research need, which I would push for most in terms of funding.

Forum Strategies: Professional Education and Training

1. Use programs that take an interdisciplinary approach as models for training, e.g., the joint training program between nursing and social work at Rusk Presbyterian Hospital in Chicago.
2. Research the issues and implications of mandatory training programs in medical, social work, and nursing curricula.
3. Build training programs around opportuni-

"We need to conduct research to uncover the impact of violence on women of color."

ities for participants to make connections with their personal lives and to discuss and understand their values about gender.

4. Increase opportunities for professionals to learn from peers in their own discipline about how to recognize and counter violence against women.

5. Include mechanisms for follow-up in professional training programs.

6. Train district attorneys to help battered women stay with cases.

7. Train judges to conduct rape trials more fairly. Educate juries in sexual assault cases by admitting expert testimony on rape trauma syndrome and other matters.

8. Conduct baseline research to uncover the particular impact of violence on women in different ethnic groups, to provide the basis for more effective professional education.

Accountability of Abusers

Violence against women is a societal problem; yet individual men must be held responsible for their actions. The prevailing tendency to blame women for causing the violence that they suffer contradicts this basic ethical principle, one of the tenets of our legal system.

Cassandra Thomas pointed out a number of ways that men could be held more accountable for their violent behavior toward women.

In Canada, a new law has been passed that leaves it up to the perpetrator to prove consent rather than up to the victim to prove she didn't give it. Up until now, we've

had the victim on trial in sexual assault issues. This bill turns the table. It says a man has to prove, with a third person looking at everything he did, that the third person can say, "Yes, he got consent."

Thomas suggested that perpetrators should not become invulnerable to prosecution just because a number of years had elapsed since their crime. She said, "We need to discontinue a statute of limitations, because victims/survivors are left with memories that come back after many years, and feel disempowered when the legal system says 'Sorry, too bad, we can't help you.'"

Jacqueline Campbell recommended that treatment for men who batter should be made mandatory, should address attitudes as well as behavior, and should last a minimum of 18 months. Other participants agreed that treatment for batterers was important, but expressed concerns that 18 months was unrealistic, given funding limitations.

Campbell also argued that health professionals who assess women enrolled in Medicaid, Medicare, or the military should be mandated to make assessments and interventions for abuse, and that military husbands convicted of abuse should receive mandatory treatment for at least one year. In response to the question of how this treatment would be paid for, she suggested, "If community shelters are being used for military wives, that branch of armed services should be contributing toward the shelter's expenses."

Institutional Accountability

At the same time that individual men are held accountable, institutions must be held responsible for putting policies in place that uphold the law and protect women from violence. Once these policies are in place, they must become widely known and rigorously enforced. Health, social service, educational, and legal experts at the conference all pointed out specific areas in which individuals and institutions are not now held accountable for enforcing their own rules and policies.

Campbell pointed out that the Year 2000 objectives adopted by the U.S. Department of Health and Human Services included "specific objectives about protocols in emergency rooms and the provision of shelters." She called this "good ammunition" in holding health care professionals responsible.

Thomas argued that residential health care institutions, nursing homes, colleges, and other live-in facilities had to be held accountable when sexual assault occurred on their premises. Schiavone called attention to a regulation that mandates emergency rooms and ambulatory care facilities to "recognize, educate, and appropriately refer all victims of domestic violence," which he said, was not being implemented. He blamed this on the absence of any "mechanism to implement the regulation...so it doesn't get done."

Several participants pointed to the absence of police accountability in cases of domestic violence and sexual assault.

"Treatment
for men
who batter
should be
mandatory."

Kristian Miccio, director of the Center For Battered Women's Legal Services at Sanctuary for Families, asserted that police repeatedly refuse to make arrests in cases of domestic violence, particularly when the perpetrators of violence are themselves police officers. Susan Herman agreed. She described a study by her agency that showed that only 25 percent of domestic violence reports in New York City resulted in the preparation of complaint reports and only 7 percent led to arrests. Since New York City does have police guidelines mandating the preparation of complaint reports, Herman said, this appeared to be a problem of accountability.

Miccio asserted that lawyers appointed to represent women in domestic violence cases were not held accountable to serve their clients adequately. She recalled:

I heard from a woman who said she was appointed counsel when she first went to court, but had never met her lawyer. He called her and said he was not going to waste his time by coming to court.

Miccio concluded that the right to court-appointed counsel is insufficient by itself. In addition, counsel must be well trained and their competence and reliability monitored by the legal profession. She proposed that lawyers who serve in the pool of court-appointed counsel should undergo recertification training and exams or be dropped from the pool.

Finally, Thomas suggested that the media

"We must reform statutes of limitation in sexual assault cases."

should be held accountable, to prevent the possibility that publicity about the victims/survivors of sexual assault would deter women from seeking services or prosecuting the men who assault them.

Forum Strategies: Holding Individuals and Institutions Accountable

1. Examine as a model the Canadian law that holds perpetrators of sexual assault responsible for demonstrating that they obtained consent, rather than placing the burden of proof on the victim.

2. Make treatment mandatory for men convicted of spousal battering; investigate practicality of mandating treatment for a minimum of 12 or 18 months.

3. Make assessment and intervention for battering mandatory in health assessments done under Medicaid, Medicare, and in the military.

4. Hold the military accountable for paying part of the costs of operating battered women's shelters that serve military wives.

5. Use the Year 2000 objectives of the U.S. Department of Health and Human Services to hold health care professionals responsible.

6. Reform statutes of limitation in sexual assault cases.

7. Hold residential institutions accountable when sexual assault occurs on their premises.

8. Apply grassroots pressure to compel public agencies to enforce existing regulations regarding the appropriate treatment of women who are victims of violence.

9. Hold police accountable for enforcing their own protocols and guidelines regarding the handling of domestic assault cases.

10. Compel court-appointed lawyers to undergo recertification exams on sexual violence and the law.

11. Ensure that resources for women who are victims of violence can deliver services sensitive and appropriate to their communities -for example, by having translators available.

Need for a Comprehensive Response

No institution can expect to make inroads by itself against a problem as widespread and deep-rooted as gender-based violence. To forge a comprehensive response to violence against women, participants agreed, advocates within different disciplines must work closely together.

- The educational system is paramount because it has the power to help prevent the violence, yet for many women and men it becomes the arena in which they are indoctrinated into a world of violence.

- The health care system is essential because it is an early and accessible resource for perhaps the majority of women and girls who become

the victims of violence.

- The social service system is key because it can intervene directly in the lives of the men and women most directly involved in and affected by violence.

- Finally, the legal system offers the means to hold individuals and institutions accountable and at the same time offers a powerful vehicle for changing attitudes.

The Hon. Laura Drager, Judge of the Criminal Court of the City of New York, spoke about the limits of the judiciary's power to help women. She emphasized the need for institutions to work together.

I don't think that a piece of paper or a criminal prosecution can ever end the violence. It is a way of helping to equalize the power between victim and defendant. It is a first step for many victims toward getting out of the repeat pattern in domestic violence cases. But it's only one piece of the puzzle.

Other participants pointed out specific areas where collaboration was needed. Jacqueline Campbell called for coordination of efforts that would help medical professionals understand the critical role that their documentation of violence plays in child custody cases. Without medical documentation of abuse, she said, "Battered women lose custody all the time. It's what they fear most."

Campbell emphasized the importance of an interdisciplinary approach to training professionals to recognize and intervene in cases of battery.

We in nursing want very much to work

"I don't think that a piece of paper or a criminal prosecution can ever end the violence."

with physicians on these issues. But we want to remind physicians that we have been working on these issues since 1985 and we have a lot of expertise that often doesn't get cited and included in medical planning. This is also true of social work, which has been in the trenches even longer. We need a three-pronged initiative of nursing, social work, and medicine in the health care system.

Campbell also called for coordination between shelters for battered women and traditional psychology to develop competent, effective programs. These programs should aim not only to help women and re-educate batterers but also to prevent the children of battered women from growing up to be batterers or victims.

Police officers and prosecutors must be aware and supportive of social services for the victim of violence and be able to relay adequate information and advice to her. Professionals providing social services need the legal system's protection of confidentiality so that their clients can speak to them in confidence.

Educational and advocacy groups need to work together to maximize their effectiveness. Because they tend to specialize in particular forms of violence (rape, sexual harassment, or domestic violence), the connections among all these forms of violence have not been made in the public mind, and the need for social change has not been driven home. Elizabeth Schneider emphasized this point in the context of education about domestic violence.

Ironically, at the same time that we have been

"We need a three-pronged initiative of nursing, social work, and medicine in the health care system."

having an impact on public education and affected attitudes about the severity of the problem of domestic violence, we have not been able sufficiently to link those problems to the range of other problems we face as women....When we talk authentically about violence against women, we're talking about power and raising the most fundamental questions about gender roles.

She concluded, "Reforms and legal resources are meaningless in the absence of an entire system of support and efforts to assist and empower women and change their lives."

Finally, Virginia Montes, former national secretary of NOW, pointed to the potential benefits of collaboration among institutions for passing new legislation.

If we have the support of the judges, the medical association, the nursing association, the psychological association, the social workers, we are in a much better position to get the kind of bills we need passed at both the state and Congressional

level. If any of those groups object to any part of a bill, it becomes much more difficult.

Forum Strategies: Institutional Collaboration

1. Help medical professionals to understand the critical role played by documentation only they can provide in legal cases.

2. Ensure that police and prosecutors are aware of the social services available to victims of gender violence and that they give information appropriately.

3. Protect the confidentiality of the victim's relationship with a social service provider.

4. Develop three-pronged initiatives among nursing, social work, and medicine for reform of the health care system's approach to violence against women.

5. Involve professionals at shelters for battered women in programs to treat batterers.

6. Work with organizations concerned with children's well-being on initiatives to prevent the children of battered women from becoming batterers or victims.

7. Coordinate initiatives on violence against women with initiatives to counter urban violence undertaken by the Congressional Black Caucus and other civil rights groups.

8. Make sure that communications to the general public underscore the connections between sexual harassment, domestic violence, and rape.

9. Encourage professional associations to support each other's efforts for progressive legislation on violence.

Strategies of the NOW Legal Defense and Education Fund

In addition to the recommendations raised at the forum, the NOW Legal Defense and Education Fund suggests certain guiding principles that will provide a multi-disciplinary approach to addressing violence against women. We recommend that these principles be kept in mind in shaping future legislation, educational programs, funding priorities, and other initiatives.

Place Violence Against Women in Context

1. Rape and domestic violence are part of a continuum that includes sexual harassment and other forms of discrimination against women. Any attempt to solve the problem of violence against women must incorporate an understanding of how inequalities in society affect interactions between men and women.

2. Violence against women must be understood as a problem that occurs in every community, throughout our institutions, in our private lives, and to women of all ages, races, and economic conditions. No institution can address the problem in isolation. Rather, a multi-disciplinary approach is needed.

3. The problem of violence against women is intertwined with other social ills such as poverty, homelessness, child abuse, substance abuse, and access to guns. Experts and advocates in these related fields can offer valuable perspectives on the needs of women, can benefit from increased awareness of the dynamics of violence against women, and can offer needed support for social and political initiatives to improve women's lives and help end the violence.

4. The particular ways that women in different cultures experience violence must be understood and measures to deal with violence must be sensitive to the reality of each woman's life.

"Violence against women must be understood as a problem that occurs in every community."

Prevent Violence Before It Occurs

1. Prevention should be part of any comprehensive policy to end violence against women.

2. We must introduce age appropriate education to children that addresses and seeks to change the underlying attitudes leading to violence against women. These include sexism, unproductive methods of conflict resolution, low self-esteem, and others.

3. We must educate society to the underlying attitudes that lead to violence, using original and imaginative approaches that encourage both men and women to understand violence against women as a problem that affects their own lives, rather than a problem that only affects others.

Educate Professionals About Violence Against Women

1. Professionals in all disciplines that are called on to respond to violence against women must be given adequate education about the causes of violence and learn how to identify and respond to victims and perpetrators. These professionals include police, doctors, nurses, social workers, lawyers, human service professionals, college administrators, school principals, guidance counselors, and others.

2. Education on violence against women should be part of ongoing professional training and certification programs.

“Prevention should be part of any comprehensive policy to end violence against women.”

3. Further exploration is needed on how best to train professionals — by members of their own professions and/or by women’s advocates.

Improve Institutions and Systems

1. Systems currently in place must be improved — for example, by more adequate funding of shelters and better enforcement of current laws.

2. Systems and individuals must be held accountable when they fail to enforce their own rules and regulations adequately, through monitoring to ensure follow-through, performance evaluations, and other means.

3. The access of all women to resources that are culturally sensitive and appropriate must be assured.

4. Appropriate federal, state, and local legislation, such as the Violence Against Women Act, S.

11/H.R. 1133, should be enacted to improve the understanding of and response to this glaring social problem. A central component of the legislative effort should be a civil rights remedy for gender-motivated violence.

Racism, Gender Bias, and Sexual Violence: Revealing the Links -- Creating Change

Excerpts from Kimberlé Crenshaw's presentation at the NOW LDEF forum. Ms. Crenshaw is a Samuel Rubin Visiting Professor at Columbia Law School and professor at UCLA School of Law.

The kinds of social texts I'm interested in are experiences that we as a nation or a culture can point to as common reference points. After the picture of Bull Connor using dogs and hoses against protesting school children in Birmingham flashed across the world, the entire political terrain shifted. Rather than having to defend the protestors, the South had to defend itself against the protestors. The picture of Anita Hill at the Judiciary Committee functions in a similar way. Before that, if you were to see a picture of the Judiciary Committee, you wouldn't notice that they were all white men. But after Anita had her experience, you can never look at the Judiciary Committee again and not see white powerful men. In that sense, I think the episode has provided an opportunity or an opening.

One of the most damaging dimensions of the hearings was the way that race and gender were torn apart or polarized. The feminists' and anti-racists' responses to the hearings were organized around competing metaphors. One was the notion of the rape trial and experience of rape. The other was the notion of the lynch mob. Neither of these metaphors, as they're commonly understood in our culture, acknowledges the reality of the other. When we talk about rape and the rape trial, the racist dimension of the way rape is thought about isn't included. And when we mobilize around lynching and the lynch mob, the reality of real victims of rape tend not to be included. This opposition renders the location of black women untellable.

It's particularly important that the feminist movement not appropriate Anita Hill, but borrow from her experience as a way of empowering all women. The difference between appropriating and borrowing is this: when you borrow, you give something back, with interest. As a black feminist who watched my own community being grieved and torn apart by the events of last year, I hope that the agony of having this entire episode play out on national television was actually the growing pains towards a more empowering notion both of anti-racism and feminism. My hope also is that the loss suffered by the feminist community last year is instructive and through it we can better forge a political struggle together.

Many feminists borrowed from long-standing critiques of the way that law shapes the inquiry into sexual violence as a way of understanding what was happening to Anita Hill. In both rape and sexual violence cases, the inquiry tends to focus more on the woman's conduct and character than on the conduct and character of the defendant. As a consequence, rape law does more to regulate and establish codes of conduct than to protect the sexual autonomy of women. This feminist narrative did account in significant ways for the kinds of events that Anita Hill put into play. The public debate over her allegations does illustrate the way that laws protecting women from sexual aggression end up reproducing power relationships rather than overcoming them. For example, a good deal of the hearings last year was devoted to determining questions of credibility. However, credibility isn't judged by a

neutral standard. It marks sharply differentiated sets of expectations, depending on the gender of the person. So anything having to do with Anita Hill's private life was deemed as relevant to whether and what happened between Clarence Thomas and Anita Hill.

Feminists were able to use the critique of rape and the rape trial to illuminate for the American public what was actually going on in the hearings. We can do the same in reverse. We can use the hearings as a way of mobilizing understanding about what happens in sexual aggression cases. In supporting our claims that the victim's life ought to be irrelevant in rape inquiries, we can point to the ways that baseless and irrelevant lines of questions diverted attention from events that actually happened between Thomas and Hill. We might use the threat to explore Professor Hill's "proclivities" as evidence of how extraneous issues introduced into rape trials ensure that women will not be vindicated. [Such] threats serve as stark evidence that certain women will not have their cases effectively heard, particularly lesbians and other women whose personal choices render their violation insignificant in the eyes of those who render judgment.

Pointing out the cost to Anita Hill, how she was forced to give up her job and the Catch-22 of her career, may help us make the case more broadly that women who are harassed, who are battered and who are raped, must negotiate in a world in which there are real costs, sometimes tragic, in any choice they make. Thomas's behavior is taken as a given and only the woman's choice is seen as variable, the thing that could have been avoided. We can use this moment to shift the inquiry from women's choices to the conditions that render these choices dangerous and costly. It is the behavior and the privileges, indeed the choices of men who abuse us, that should be challenged and changed, rather than our exercising of options that we have a right to make.

Another lesson was captured at the moment Thomas dramatically threw down the gauntlet and characterized the hearings as a high-tech lynching. This galvanized the black community and effectively silenced the Senate. One could have expected the American public - knowing how much [Thomas] tried to distance himself from the past of racial discrimination - to reject this as a cynical maneuver to save his nomination. One might have assumed that the black community, having been told time and again that it's important to be judged by the content of your character rather than the color of your skin, would finally reject this person who wants to use the color of his skin as a shield to any judgment of the content of his character. But the lynching metaphor was tremendously successful in the black community.

The effectiveness of this maneuver is part of practices within the community that separate out and subordinate gender issues from race issues. Within the black community, sexual violence and racism are imagined through certain people in our history who have been victimized - the Scottsboro Boys or Emmett Till or other men in our community who have been lynched, based on hysteria about sexual issues between the races. However, the names and the experiences of black women whose bodies also bore the signs of racial subordination are lost to history. So if Anita Hill had wanted to find some kind of symbol to throw down in response to Clarence Thomas' use of lynching, she only had hazy, vague recollections of past experiences that black women have had in sexual violence.

The disposition of defendants in rape trials still is largely determined by the race of the victim and the race of the defendant. This tends to be articulated in terms of discrimination against black men, which it is. But the fact that black men are punished more when the victim is white and less when she's black is discrimination against black female victims. This tends not to be seen as discrimination because racism is seen as relationships between different groups of men. So as long as racism is primarily seen as a male-male phenomenon, the way women are associated and hierarchialized is not also seen as racism. You can see this in the example of Desiree Washington. Many feminists could not understand why there was so much support for Mike Tyson and so little for Desiree Washington. As long as race plays a role in rape adjudication, the reaction is going to be protective. An additional problem is that many feminists rejoiced when Mike Tyson was convicted. Op-ed pieces embraced the conviction of Mike Tyson as a vindication for what had happened to Patricia Bowman. This uncritical embrace of something that was very painful for one community reinforces the tendency to see rape as a white women's issue, not an issue that all women have to deal with. The use of race to deny the reality of rape in communities of color is an unfortunate and damaging kind of political rhetoric. But feminists need to take the racialism of rape seriously, so that we might be able to find ways to mobilize around the problem and create a more cohesive movement.

Jacqueline Dowd Hall, a historian, has written about how the history of lynching and the repression of black male sexuality is closely linked to the repression of white female sexuality. Contemporary events suggest that those links still exist. Let me offer two recent examples; the Central Park jogger and the Charles Stewart case. What happened to the investment banker was a heinous crime and rightfully was condemned throughout society. Yet part of the reaction to it and in particular the full page ad taken out by Donald Trump calling for the death penalty, was as much to the race of the parties as to the rape itself. It would strain our imagination to think that he, or other men in his class, would have reacted in the same way had that investment banker been a black social service worker. I urge you to also think about the Charles Stewart case. How easy it was for Charles Stewart to divert attention from his own savagery, by displacing the act onto those from whom savagery is expected: black men. These events tell us that certain victims count more than others. We know that had Charles Stewart's wife been black and her fetus had been black, the reaction would not have been the same.

But it is not simply the differences between races of women that I want to point out. As long as rape is interpreted through raced eyes, victims who are raped by black men are seen as more important than victims who are raped or abused by white men. Since the vast majority of violent crimes against women are intraracial, white women too are injured by society's investment in breeding race into rape. As this image dominates, the everyday occurrences of violence against women will simply be ignored. Had Charles Stewart not fingered a black man, few of us would have ever heard about the horrible act of violence that was suffered by Carol Stewart. Even today, Carol Stewart does not represent in most Americans' minds, the most savage of crimes - a man who killed his own wife and child - but, instead, a hoax. This case suggests how much all of us suffer from the racism in the way questions of violence are adjudicated. Myths still form much of what most Americans believe about rape and other forms of violence, and what they will react to. This is one reason why acquaintance rape is not taken seriously. It does not involve the people that we have been trained to fear the most.

To ensure that feminism reaches the other and also reaches into communities where feminism is not yet taken seriously, we have to be willing to grapple with questions of race. A woman [newspaper reporter] was interviewing several black women about Desiree Washington and they repeated that she knew what she was getting into, she shouldn't have gone up to his room. But as the woman was interviewing these teenagers, they constantly told stories about their own sexual abuse, the ways they had to negotiate a difficult situation, the ways in which they had to look out for themselves. One might ask how this contradiction can be. On the one hand, this is an obvious part of all women's lives. On the other, they don't support a woman who's had that very circumstance. Unless women are given an understanding and a way to step out of the system - a way of critiquing the expectations - they are going to be stuck within that system, trying to support and protect themselves in the way they can.

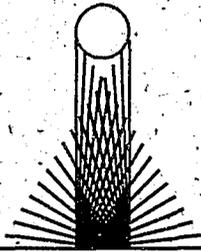
Similarly], many women jurors are harder on victims than men are. The victim raises questions of their own vulnerability and any way that can be projected onto her is a way they can protect themselves. Unless we can find ways of showing women that the conditions are the problems, not the decisions they make within them, the only way to protect themselves is by being the good woman or the smart woman, as opposed to the stupid woman or the one who is sexually promiscuous.

When we try to mobilize on questions of violence, it is important to recognize that gender bias is not the only violence that women have to deal with. The singling out of gender as opposed to other kinds of violence will strike people who have to deal with [the] other kinds of violence as the imposition of white women's issues, rather than understanding the way violence shapes our lives across the board.

How can we reach across the boundaries to develop strategies to address race? One, it's important to be able to articulate the particularity in class and race in terms of the way different women experience violence. Secondly, it's important to propose and lobby for the equivalent of the Racial Justice Act, a proposal that was introduced in Congress to provide defendants who had been given the death penalty the ability to show that the penalty was distributed in a racially biased way. If we are to create a VAW Act, we should also make sure that the prosecutions will not be pursued in a racially biased way. Thirdly, when a highly publicized rape occurs, talk about the millions of intraracial rapes and show how women across the board are harmed by focusing on a particular kind of violent act rather than on all of the violent acts that occur on a day to day basis. Fourthly, make sure that resources are earmarked for communities of color, raising the unique issues that interventions will raise in different communities. Finally, remember that differences always matter and always try to figure out how the differences are playing themselves out. I think that racial differences can strengthen a movement - just like Anita Hill's story highlighted the exclusive nature of the Senate - but we have to be willing to accept it and work with it.

The women's movement had this opportunity before. Recall how Sojourner Truth stood before the Women's Convention in Akron, Ohio and in response to a white male invoking the cult of true womanhood [to] argue against women's suffrage, used her strength and perseverance that could rival any man's and queried "Ain't I A Woman?" She stepped into that chasm between race and gender and was able to challenge myths that had kept white women in their place and denied humanity to black women. Yet to embrace Truth, white women had to relinquish racial privilege and look squarely at the challenge of racial domination as well as gender domination.

History tells us for the most part that it was an uneven effort. But, fortunately, history does come around again, and, fortunately, we can change the script.



**NOW LEGAL DEFENSE
AND EDUCATION FUND**

99 Hudson Street
New York, New York 10013-2815
(212) 925-6635