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When Advocacy for Domestic Violence Victims Backfires

Types and Sources of Victim Disempowerment

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This article argues that although victim advocacy in domestic violence has brought significant improvement in victim services, there are instances in which advocacy backfires: The very interventions designed to help and empower victims contain the seeds of disempowerment. After discussing types and sources of victim disempowerment from their own research and that of others, the authors draw attention to some macro issues related to domestic violence victim advocacy.

Keywords: *domestic violence; empowerment; victim advocacy*

Our starting point is the fundamental premise that as human projects we are all engaged in a continual process of becoming, growing, learning, and experiencing our influence in the world. Still, our life chances, or opportunities to grow and develop to our fullest, are delimited by a host of intrapersonal, interpersonal, institutional, and social factors. We think it is essential to question interventions *for our own good* that limit life chances and individual freedom to grow. For the purpose of this article, we define an intervention as some action taken by an outside agent that is meant to change the life situation of an individual in some way.

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We do not view interventions as necessarily bad. However, because interventions (in accordance with the definition we use) are meant to change individuals' life situations, they should be examined critically from the perspectives of the subjects of the interventions. This line of thought, coupled with our own interest in the criminal justice response to domestic violence, has led us to examine the effects of domestic violence laws, policies, and practices on the lives of women who are abused.

The terms *victim safety* and *offender accountability* capture the essence of current law and policy in domestic violence, and they are generally linked to the variously defined and broadly used term *empowerment*. Offender accountability—increasing the certainty of arrest and prosecution for domestic assault and creating harsher penalties through the criminalization of domestic violence—is the all-American punitive response. Questionable assumptions behind punishment are that it proves we take the problem of domestic violence seriously and that it has deterrent effects—what Manning (1996) termed “preventive conceit.” Offender accountability is thought to contribute to victim empowerment via the battered woman's participation in and satisfaction with criminal justice processes; his being held responsible also validates her victim status (she was not crazy, she was not to blame). Victim safety, including an array of advocacy and shelter services, is the all-American helping response. That is, victims who were previously ignored, belittled, and blamed are now assisted, advised, advocated for, sheltered, and supported. In addition, it is believed that victims may not always make appropriate choices with respect to safety, so in some circumstances, taking the choice away from victims shields them from future violence (Hoyle & Sanders, 2000).

Our central thesis is that the emphases on offender accountability and victim protection occasionally backfire with the unintended consequence that victims of domestic violence are disempowered by the very interventions designed to assist them in recovery and protect them. That is, harsher and more certain punishment of a husband or lover will not empower a victim who simply wants the violence (not the relationship) to end, nor will victim services help a victim who wants to be left alone. Moreover, we argue that the changes in domestic violence law, policy, and practice over the past 20 years are part of a more general and

increasing reliance on state-administered punishment as the primary solution to social problems, which is at best ineffective and at worst counterproductive.

In this article, we first explore the concepts of advocacy and empowerment. Then we describe types and sources or specific activities of victim disempowerment revealed in our own research as well as that of others. Finally, we offer some thoughts on related macro issues: the overreliance on punishment as a response to social problems, the professionalization of victim advocacy, the dramatization (Peled, Eisikovits, Enosh, & Winstock, 2000, p. 9) of domestic violence, and the problematic notion of victim accountability.

ADVOCACY AND EMPOWERMENT

Victim advocacy is an established and growing part of the criminal justice response to domestic violence. Advocates work outside of the system, too, particularly in not-for-profit community agencies such as women's centers and shelters with origins in the grassroots battered women's movement—agencies that provide a variety of types of assistance to battered women.¹ Advocates have been described as “the stewards of this infrastructure [of community services] as they direct, guide, and support battered women while confronting and challenging obstacles to their safety” (Shepard, 1999, p. 115).

In domestic violence, victim advocacy operates on individual and institutional levels. At the individual level, advocates help a woman understand her options and negotiate the legal system (Pence & Shepard, 1999). The notion of advocacy for individuals has also been extended to include helping victims obtain access to important resources such as housing, financial assistance, and education (Edelson, 1993). Institutional advocacy entails working to change institutional practices or policies that work against the needs of battered women (Pence & Shepard, 1999) and includes activities such as lobbying legislatures, working with criminal justice agencies at a local level, or even law enforcement training. Results from a survey of 379 advocacy programs in the United States (Edelson, 1993) revealed that although both individual and institutional advocacy are thought to be vital, in terms of daily job

activities, most advocates stressed their work with individual women in direct services (e.g., counseling, information and referral, meeting needs for shelter and clothing) or in representing the woman in larger systems (e.g., helping her obtain an order of protection, explaining the criminal justice process).

Although both individual- and institutional-level advocacy are linked to the idea of empowering battered women, the meaning and the ultimate goal of empowerment differ at the two levels. At the individual or therapeutic level, empowerment is conceptualized as "enabling people to master their environments and achieve self-determination" (Peled et al., 2000, p. 10), or more broadly, "feeling one's personal influence in the world, taking an active stance toward problems, and fighting against one's own oppression" (Lamb, 2001, p. 179). At the institutional level, advocacy tries to ensure that legal processes are informed by the needs and experiences of battered women as their cases are processed; however, institutional advocacy "also focuses on how the state should intervene with men who beat women, regardless of the desires of an individual woman who is the victim of an individual man" (Pence & Shepard, 1999, p. 11).

One of the difficulties in writing about empowerment of domestic violence victims is that there has been little or no systematic theorizing about what constitutes empowerment—a topic to which we return in the conclusion of this article.² So far, discussions of the empowerment of domestic violence victims are driven by practitioner uses of the term. For victim advocates, victim empowerment and individual advocacy are virtually equivalent, especially in the jobs of external advocates—those who work outside of the criminal justice system. Empowerment is often defined in terms of giving choice back to victims whose choice has been taken away by their batterers.

In a recent interview with one of the authors, a legal advocate in a local not-for-profit agency in the Midwest defined empowerment as "the ability to give the person [the battered woman] the knowledge of options available to her, educating her about her options, and then letting her make the decision" (personal communication, July 19, 2001). She noted that the difference between advocacy and empowerment is simply that the advocate is available to speak on behalf of the victims who are unwilling or unable to do so.

"Educating her about her options" and "letting her make the decision" are facets of advocacy that have changed over time for many, if not all, domestic violence victim advocates. The victim advocate above had been in her present job at a women's shelter for about 9 years and had worked in advocacy for battered women for many years before that. She said that her initial job training was conducted by a staff member who believed that leaving the abuser was the only option and that it was the job of the advocate to advise the client of this. But today, she said, a variety of services for both victims and offenders is available, so there are more options. Victim advocates have also had to grapple with the realization that many battered women want to remain in relationships with their abusers. Empowerment for these women generally entails ensuring their safety (e.g., helping them develop safety plans; see also Peled et al., 2000).

"Letting her make the decision," according to the advocate, was something that varied among advocates; some advocates are more directive than others in guiding the victims' decision making. In her opinion, internal advocates (those who work within the criminal justice system and are responsible to their employers' mission to arrest or prosecute) are much more likely than external ones to try to guide decisions of battered women, and social workers are more directive in counseling battered women than are advocates.

Victim advocacy has become institutionalized. Based on conversations with "seven seasoned advocates" in Duluth, Shepard (1999, pp. 119-124) talked about the nature of changes in advocacy since the beginning of the battered women's movement. She wrote,

Responsibilities have become more narrowly delineated and institutionalized; the community has developed more negativity about the shelter, which can discourage women from seeking services; advocates work with more women who have not sought their services and who may not want or be ready for help that advocates can provide; and new advocates do not always share a common bond and purpose with advocates who have been part of the battered women's movement since its beginning. (Shepard, 1999, p. 119)

Some of the observations of the seven advocates include the following:

We are going to women's houses without being invited.

They don't want their husband to be convicted. Advocates push for conviction, not battered women.

The uncomfortable part is that I am caught between advocating for women and being part of a system. (as quoted in Shepard, 1999, pp. 119-122)

Shepard's advocates spoke as well of unintended negative consequences of the changes in law and practice in the criminal justice system. These include dual arrests, victims being forced to participate in proceedings, having other systems (such as child welfare) intrude in their lives, and, in some instances, victims being mandated to attend support groups.

Thus, changes in victim advocacy and the criminal justice response to domestic violence produce unintended harms. Although conceivably these harms may extend to jeopardizing a woman's life (her ex-husband tells her he will kill her if the case goes to court and the prosecutor refuses to drop the case), in this article we do not examine the entire scope of potential negative outcomes. Here we focus on those that we believe disempower victims. Victims experience losses, not gains, in self-determination, influence in their worlds, and confidence in their ability to handle their own problems. Activities of disempowerment are discussed in the next section.

TYPES AND SOURCES OF DISEMPOWERMENT

How might a battered woman experience disempowerment? Rather than finding that her influence is extended, she finds that it is limited; rather than being confident in her knowledge of herself and her social world, others tell her what is in her own best interest; rather than having faith in the validity of her story, she is counseled to retell the incident to make it more suitable for the criminal justice process; and rather than respecting her decisions on how to run her life, her life is filled with intrusions from outsiders including fairly coercive practices that force her to act against

her will. Specific types of victim disempowerment activities that we have identified in our own research as well as that of others include presuming to know better than a victim what is in her own best interests, unwanted intrusion into her life, shaping and retelling the story of her experience, acting against her wishes, and stripping her of the right to choose to participate in criminal justice processes.

Sources or specific instances of the disempowering practices of advocates or justice system actors that contribute to disempowerment include the following:

- the practice of mandatory or presumptive arrest in law enforcement when it results in an arrest against a victim's wishes.
- the practice of no-drop prosecution or victimless (evidence-based) prosecution when a victim refuses to cooperate with the prosecution because she does not want to see the abuser convicted.
- unwanted intrusion into her life and privacy by criminal justice and other official systems as a result of her victimization. Examples discussed below include victim safety checks and follow-up advocacy that are not requested or seen as necessary by victims. Another example of potentially unwanted intrusion may be the practice of enhanced evidence collection by the police in conjunction with no-drop prosecution (e.g., taking photographs of her residence or her injuries, interviewing other household members or neighbors, or obtaining medical records).
- guiding the victim in shaping and retelling her story to make it a better case for the prosecution, which may occur in advocacy, by other victims in shelters, or by others who believe they know what makes a good (prosecutable) case.
- counseling and advising a victim of domestic violence in a manner that suggests that the professional knows better than she does what is in her own best interest.
- arresting the battered woman in dual arrest situations when incidents appear ambiguous to responding police officers who are mandated to make an arrest. Issuing mutual orders of protection will also give the false impression that the victim is as guilty as the offender (Barnett & LaViolette, 1993).
- coercion of the victim for her own good, as in being forced to testify in court, being threatened with a charge of filing a false report if she changes her account in court, or being mandated to attend support groups (see Shepard, 1999).

Below we comment briefly on the vast literature on proarrest and no-drop policies in arrest and prosecution and how these policies relate to disempowerment of victims. We then turn our

attention to some of the specific instances of disempowerment that have been discussed less often.

PROARREST AND NO-DROP POLICIES

Research on domestic violence has examined the questions of why some battered women do not want their abusers arrested and prosecuted. Despite the overtly good intentions behind mandatory or presumptive arrest laws and practices (Buzawa & Buzawa, 1990, 1996), there is ample evidence that a large number of victims would prefer to resolve the incident without an arrest. To begin with, the majority of domestic battery victims do not even call the police (Buzawa & Buzawa, 1996; Hoyle & Sanders, 2000). Fleury, Sullivan, Bybee, and Davidson (1998) used data from a shelter sample in a medium-sized midwestern city to examine reasons why women who are battered do not call the police. The most common reasons were that the assailant prevented them from calling, they had no phone, or they wanted privacy ("I did not want people to know"; Fleury et al., 1998, p. 340). Other reasons included thinking that the police would not help, being afraid for their physical safety or the safety of their children, or other negative consequences (such as losing economic support).

Other times, police are called to the scene by a victim or third party and the question is the extent of victim noncooperation. MacLeod (1983) showed that victim noncooperation with law enforcement and prosecution occurs at several critical decision points beginning at the point of police intervention. Her data from Detroit police and prosecutors suggested that although few female victims (12.8%) fail to cooperate at the point of police intervention, a fairly substantial group of female victims (73%) show noncooperation at the stage of signing a formal complaint. Thus, when victims do call the police, many may simply want the violence to end, and arrest is not the reason for calling the police. Consider, for instance, Felders's (2001) explanation of a 28% drop in police calls for assistance in domestic incidents following Connecticut's mandatory arrest law in 1996:

After an incident of domestic violence, for example, a woman might wish to call the police and have them come to her home. She might reason that a police officer could diffuse an explosive

situation or frighten her batterer into ceasing his abuse. She may engage in a careful cost-benefit analysis and determine that, while police presence would be useful, an arrest would not. A woman may be dependent on the income of her batterer, for example, or she may not want their children to witness their father's arrest. Such a woman, if aware of a mandatory-arrest policy in her jurisdiction, would likely refrain from calling police at all. (p. 546)

Moreover, the fact that many victims who call the police want help in the immediate situation but do not want an arrest is revealed in research conducted in other countries. Mills (1996) used a variety of data, including 1989 Swedish statistics showing that only 31% of battered women wanted an arrest, to argue against the increased criminalization of domestic violence. Research in Britain by Hoyle (1998) revealed that the three main reasons for women's calling the police but not wanting to pursue the complaint were not wanting to break up the relationship or the family, hoping to avoid potential retaliation that might come with prosecution, and feelings that the sanctions imposed would be inappropriate or undesirable.

Hoyle and Sanders (2000) examined why women who supported arrest might not want prosecution. The first reason is that the arrest accomplished what the victim wanted in terms of changes in the offender's behavior. The second reason was that in the victim's view, the costs of prosecution (including a fear that prosecution will lead to more problems such as retaliatory violence) outweighed the benefits. The research by Hoyle and Sanders confirm U.S. research that they cited showing that some battered women may file charges but later want them dropped as a power move—a way to bargain for what they want (e.g., custody, a cessation of violence).

Reasons for not wanting the involvement of the criminal justice system are often tied to reasons why battered women stay in (or are unable to leave) relationships that are violent. Although there are great debates in the domestic violence literature over issues such as whether battered women are entrapped, the commonly cited reasons for women not leaving violent men include economic dependency and relationship issues (commitment, hope, fear of loneliness, lack of social support; Barnett, Miller-Perrin, & Perrin, 1997) as well as the (also controversial) concept of learned helplessness. Religion and culture also shape women's decision

making, as do factors such as the presence of children in the household and the anticipation of future violence.

As early as 1990, Buzawa and Buzawa argued that mandatory arrest and no-drop policies were flawed in a number of ways—one of the most important of which was that they deprived the victim of choice. In arguing against mandatory arrest, for example, they contended,

A mandatory arrest policy merely appears to make victims and assailants pawns to larger policy goals formulated by administrators and well-meaning "victim advocates," whose goals may not be shared. Despite her emotional involvement and trauma, the victim is usually in a better position than patrol officers to determine the likely impact of an offender's arrest. . . . It appears presumptuous that "women's rights" advocates can determine what is best for the entire category of battered women. (Buzawa & Buzawa, 1990, p. 103)

On the matter of depriving the woman a choice at arrest and prosecution, we agree with Buzawa and Buzawa (1990, 1996), Hoyle (1998), and others (e.g., Mills, 1996) who have argued against these well-intended policies (protect her from retaliation, take the difficult choice away from her, she is in too much trauma to make a correct decision). Yes, it is a difficult choice, but it is hers. Is she empowered by taking away that choice and allying herself with presumably more knowledgeable agents of the state?

FOLLOW-UP ADVOCACY, VICTIM SAFETY CHECKS, AND COMMUNITY SUPPORT GROUPS

Our own research examines several specific program activities developed by a coordinated, interagency program to respond to domestic violence. The research was a process evaluation of the program and involved using primarily qualitative methods (document analysis, unstructured interviews, observations) to detail the program's history and to conduct a series of investigations into specific program initiatives including victim advocacy, a domestic violence clinic at the local law school, community support groups for victims of domestic violence, and police/probation victim safety checks (McDermott & Garofalo, 2002). Based largely on the Duluth model, the multiple agencies

are located in a rural county in the midwest. The key agencies involved in the program include a municipal police department, a university public safety department, a county state's attorney's office, county probation, a not-for-profit women's center, and a local law school.

Two of the program activities, follow-up advocacy and victim safety checks, involve intrusion into the lives of battered women who did not seek services. A third helping intervention, community support groups for victims and survivors of domestic violence, is not intrusive, but it has been difficult to implement because of the low number of women who wanted the help that was offered.

The job of the follow-up advocate, a full-time employee of a not-for-profit women's center, was designed to provide services to victims after police and prosecution victim advocates were no longer involved. The underlying reasoning for creating the position is not flawed: Some, if not many, victims of domestic violence that the criminal justice system encounters have needs that extend well beyond the legal intervention—for example, shelter, transitional, and permanent housing; financial assistance; legal aid in matters related to divorce and custody; referral for specific health or mental health problems including drug or alcohol abuse; and help with education, resume building, and job hunting. Victims who remain involved with the men who batter them also may need help in safety planning. As the position was designed and agreed upon by multiple agencies, the follow-up advocate was to get her victim referrals from the crime victim advocate in the state's attorney's office and the local mental health agency that provided abuser treatment.

From the beginning, the follow-up advocate experienced unevenness in referrals and difficulties coordinating her work with the other agencies. However, even when referrals were high, few battered women in the county availed themselves of her services. For example, from mid-December 2000 to July 2001, the advocate received a total of 62 referrals from the prosecutor's office and 27 from the mental health agency—a total of 89 women, all of whom were sent unsolicited packets of information about follow-up services in plain envelopes (i.e., not identifying the women's center's return address, because many of the women still lived with their abusers). Of these 89 victims, the advocate

did only four or five intakes (the exact number is unclear from her records).

Why so few clients for a full-time advocate? Answers to this question are speculative and differ somewhat by agency perspective. However, beyond operational reasons (e.g., how referrals were made, how contacts with victims were made), agency participants in the coordinated community response committee argued that the majority of battered women who were contacted did not need the help of the follow-up advocate, did not understand what the advocate was there to do, or were simply tired of agency involvement in their lives and the need to tell and retell their stories to different advocates in different agencies. The last explanation—battered women being tired of agency involvement and repeatedly going over their victimization experiences—was thought to be particularly relevant by staff at the women's center, because the center received referrals only after the prosecution victim advocate, and frequently also the police victim advocate, had already worked with the potential client. In addition, a substantial number of the victims were still involved with their abusers, and it is understandable that they would not want the advocate phoning their homes.

Thus, the follow-up advocacy, despite good intentions and the seemingly rational basis for the service, has not succeeded in the county. We think this is a particularly good example of intrusion into the lives of victims. All of the women who received the unsolicited mailings had already been through the criminal justice process as victims, and only a handful of them responded to the offer of help afterwards.

Victim safety checks and suspect/offender visits conducted by teams of police and probation officers (called *directed patrols*) were another program development under the grants obtained by the coordinated community response agencies. These uninvited visits to the homes of victims and suspects/offenders were originally designed to check on suspect/offender compliance with no-contact bond conditions and no-contact conditions of probation. The task of ensuring compliance inevitably involved visiting victims. A probation officer and a police officer, typically in 3-hour shifts in evenings and late afternoons, would visit addresses compiled by the police department victim advocate and the probation officer with a domestic violence caseload.

We were able to conduct observations of the directed patrols. Over a period of 3.5 months early in 2001, a researcher accompanied the police and the probation officers on visits to specific addresses. A total of 12 shifts was observed, and most occurred between 6:00 p.m. and 9:00 p.m. on Friday nights. During the typical 3-hour shift, the police and probation officers visited 5 to 12 addresses. Victim contact during these visits was highly variable. Most victims appeared to welcome the officers, described contacts with offenders, asked questions about criminal justice processes, and talked about their problems. The majority of victim contacts were fairly short and consisted of a brief visit with the victim who assured the team that things were going well. In these instances, the probation officer would leave a business card and urge the victim to call if she had problems. Because these visits were only a few minutes long, it was impossible to tell if the victim genuinely welcomed the team's visit or was merely being accommodating.

In another set of cases, however, it was clear that victims really did not want to have the patrols visiting them because they did not believe the visits were necessary and/or they felt embarrassed by the visits. In one case, for example, a young woman was puzzled and flustered by the team's visit. An initial attempt to explain the purpose of the probation-police patrol elicited the response, "But I'm not on probation." After further explanations clarified the situation for her, she still made it clear that she preferred to not be a subject of the patrol team's attention. The directed patrols, then, went beyond the follow-up advocacy in terms of invasion of the victim's life, because they actually went to homes where they were not needed or invited, arriving in a marked police car and with the police officer dressed in uniform, which caused discomfort to at least some victims.

Community support groups were the third major endeavor initiated by the interagency coordinating committee. Unlike the interventions discussed above (follow-up advocate and safety checks), the community support group does not involve victims against their wishes; participation is voluntary. Under the grants, a domestic violence counselor at the women's center was to develop and run three support groups for victims and survivors of domestic violence. During the 18-month period of our research, only one group was established and sustained, and its

membership waxed and waned. Despite weekly advertising in the Sunday newspaper listing of support groups, flyers at various county agencies, and numerous attempts to enlist members, very few women attended the support groups. Over the course of 17 observation weeks, a total of 15 different women attended the group, and average weekly attendance was 5 ranging from a low of 2 to a high of 9. This is in a county where on average more than 400 domestic battery charges are filed monthly. It is not known if the information about the group was not getting to women who needed it, if women were unable to attend because of practical problems (child care, transportation), or if they were unable to attend because of the presence of violent partners who would be angered by their participation. All of these hypotheses are plausible. However, it is just as plausible that the support groups were viewed by most victims as unnecessary—a line of thought that some members of the interagency group held.

WHEN ADVOCACY RESHAPES VICTIMIZATION

Based on research using narratives of women in a shelter, Lawless (2001) wrote of how both advocates and shelter residents help victims shape stories of victimization that are better legal cases:

We facilitate the work of those who seek to create a coherent story, a story that will “fly” in court, that will gain her services, that will satisfy the prosecutor, that will be in language others have devised—language that is far, far from the flesh-and-blood violence she still carries. (p. 38)

Lawless concluded that in seeking help, a woman frequently must tell a story that is not her story at all but one designed to support the work of the police and the prosecutor.

Advocates help victims reshape claims to strengthen cases. Telling a victim which elements of her story will be the most compelling may give her tools to make more powerful claims for her victimization. The advocate can acknowledge one reality and then advise about the best way to construct another, which is what happens in practice.

We encountered scattered examples of the phenomenon of the advocate shaping the victim’s story. One of the victims visited by

the directed patrols resisted the idea that her former boyfriend had beaten her in the face of encouragement from an advocate at the women's center to define the physical confrontation she had experienced as "beating." Her response was that she had previously been married to a man who did beat her, so she knew what a beating was, and her experiences with the former boyfriend did not fit her definition. Another example of reshaping that comes from our research was given by a legal advocate at the not-for-profit women's center. She said that one of the advantages of being an external advocate was that she could help the victim tell her story in a way that would make it more appealing to the prosecution. For example, she said she might advise a woman not to tell the police that she was the first one to use violence in the incident.

We think that this reshaping/retelling disempowers victims by encouraging a view that their own stories lack the legitimacy of real, prosecutable criminal victimization. Ironically, the practice of conveying to victims the idea that "you're only a victim if . . ." is the very practice that the women's movement has fought long and hard against for victims of domestic battery and sexual assault. We also question the therapeutic value of such advocate/client encounters.

MACRO ISSUES

Several broad, contextual factors contribute to the types and sources of victim disempowerment we have identified. Here we comment on the "dramatization" (Peled et al., 2000, p. 9) of domestic violence, the professionalization of advocacy, the over-reliance on punishment as a response to social problems, and the problematic notion of victim accountability.

DRAMATIZATION³

We agree with Peled et al. (2000) who contended,

In the process of giving social recognition and visibility to the phenomenon [of domestic violence] as a social problem, dramatization, simplification, and homogenization are inevitable. . . . Thus

the tactics that proved useful in promoting the problem of woman battering also have created new myths and injustices. (p. 9)

Although Peled et al. are centrally concerned with the issue of battered women who stay as a deviant group, we point to other injustices that derive from the dramatization of domestic violence. As the grassroots battered women's movement became institutionalized and the problem of domestic violence has generated increased attention at even the highest levels of policy making (e.g., the Violence Against Women Act of 1994), the plight of battered women has become the focus of considerable research, theorizing, and law making. All of this has resulted in an essentializing mind-set. Stereotypes of battered women and their difficulties, such as learned helplessness, traumatic bonding, entrapment, and the cycle of violence, support interventions that are broadly designed under the umbrella of victim safety and offender accountability. And although recent research calls attention to the unique situations of certain women (e.g., women of color, women with disabilities, lesbians, rural women), scant attention has been given to the sizable group of battered women who, for whatever reason, do not want the services and protection.

Some of the problems in the domestic violence area that are related to dramatization may also be linked to an issue that Manning (1996) raised in discussing changes in police responses to domestic violence: "The espousal of the arrest policy is a public adjustment directed to a middle-class audience and lower-class target groups" (p. 93). Essentially, the dramatization of domestic violence in the policy arena involves public agencies (the police, but also prosecutors, courts, legislatures, and others) responding to advocacy and political pressures brought to bear by mostly middle-class and upper-middle-class groups and individuals. Yet the changed policies are directed at victims and offenders who are primarily among the poor and working class. As Manning pointed out, those who are most influential in the policy process are the least likely to experience police intervention for domestic violence problems. And conversely, those who experience the most criminal justice intervention have the least influence on the policy process.

Race is also an issue. Women of color have been reluctant to be involved in the battered women's movement because it disproportionately penalizes men of color. In our own research, a police department victim advocate cited the "poor and black" victim stereotype as a major obstacle in victim advocacy because the image guides responders (police, prosecution) as well as victims. Thus, dramatization occurs in a context of vast differences by class and race in social and political power.

PROFESSIONALIZATION OF ADVOCACY

Ironically, the professionalization of victim advocacy, another macro factor, has also led to practices of disempowerment. In the early days of the battered women's movement, there were no such persons as professional victim advocates. Rather, individuals in the community, usually volunteers and feminists, worked to shelter and support women who were victims of domestic violence. They were handicapped by the lack of knowledge about domestic violence and the lack of cooperation by the criminal justice system. As advocacy has become institutionalized, the victim advocate's job is more clearly defined and supported with in-service training, conferences, and licensing. Today's victim advocate is more likely to work for or in collaboration with the criminal justice system than to contest its operations. Thus, the advocate negotiates the task of educating about options and letting the woman make the decision within the context of existing and accepted definitions (e.g., the cycle of violence) of what the battered woman wants and needs.

OVERRELIANCE ON PUNISHMENT

The issue of whether the United States has become overly reliant on official punishment as a means of social control is one that goes well beyond responses to domestic violence. We raise the issue here only to point out that the changes that have been occurring in domestic violence responses have connections to broader issues.

What appears to be happening is that advocates for greater concern about domestic violence (as well as advocates for greater

recognition of other forms of victimization) have developed a tendency to equate social importance with the level of punishment. It is thought that domestic violence is being downplayed as a problem unless it receives responses that are at least as punitive as the ones received for similar types of harm (e.g., other kinds of assaults). Rarely is it suggested that perhaps the responses to the similar types of harm are already too punitive. In a social context in which the almost automatic response of legislators and other politicians to public concern about a social problem is to increase official penalties, advocates for the recognition of domestic violence and other social harms (such as hate crimes) are becoming caught up in the upward spiraling of penalties in general. Each increase in penalties seems to have a snowball effect by motivating advocates of other causes to catch up—after all, we cannot have a penalty gap.

The counterargument is that enhancing the government's punitive response to a problem such as domestic violence is a form of victim empowerment. There is no convincing research indicating that punitive responses increase victim safety, at least in the aggregate. Thus, punishment enhancement is only empowering in the sense that it can give the victim greater opportunity to exercise retribution—a very limited conception of empowerment. This counterargument overlooks the possibility that many victims are not really seeking retribution—a possibility that is even more likely among victims of domestic violence than among victims of crimes committed by strangers. In addition, it overlooks the negative, disempowering effects of state punishment. It is not necessary to review the research here. Suffice it to say that there are good bases for the position that punitive interventions by the criminal justice system harm not only offenders but their victims and families as well.

As noted above, the issue of increasing punitiveness does not pertain only to domestic violence. Another research interest of one of the authors of this article is hate crimes. In that area as well, the overreliance on trying to make responses more punitive is quite evident. It is, unfortunately, ironic that advocates for greater concern about both domestic violence and hate crime are often drawn from movements that emphasize tolerance and common humanity. It is our position that those committed to tolerance should critically assess the extent to which their support of more

punitive governmental responses to the social problems of concern to them detracts from, and is perhaps even harmful to, their message of greater tolerance.

VICTIM ACCOUNTABILITY

During our own research, the term *victim accountability* arose in the context of in-service police training in domestic violence. Although the policy focus and public presentation of domestic violence programs are victim safety and offender accountability, we rarely hear public mention of victim accountability, no doubt because it is far too close to blaming the victim. However, some undefined and perhaps unrecognized notion of victim accountability lurks in the background and helps shape the actions of professionals in and out of the criminal justice system who work with victims of domestic violence. In our research, advocates tell us that in off hours they share horror stories and frustrated, dark humor over clients with repeat victimization; advocates report that judges give a hard time to women who appear and reappear for orders of protection; and police vent their exasperation over repeat calls to justify practices such as dual arrest.

We raise the issue of victim accountability here because it is inextricably woven with notions of empowerment. Is it inescapable that more agency means more responsibility? If empowerment means self-determination or letting the woman make decisions, the victim is conceived as having agency and choices. If the educated victim then chooses to return to the abuser and is revictimized, is she at all responsible? Is she choosing to endanger herself and perhaps her children? We think it is essential to explore these issues and examine ways in which notions of victim responsibility held by various policy and practice communities shape responses to domestic violence.

CONCLUDING THOUGHTS

A much broader question concerns the role of the victim in the criminal justice system, especially in cases of domestic violence. Recently, Hoyle (1998) summed up conflicting arguments about the role of the victim in the criminal justice system:

First, the line taken by many feminist writers, and now, increasingly, by the police and prosecution service, is that control of prosecution decisions should be taken away from victims in their own interests, as well as those of the criminal justice system and the wider society. The second argument is that the views of the victims themselves should be paramount, to help them maintain control of their own relationships, even if they are considered to be acting contrary to their own interests. (p. 220)

Clearly, we side with the second contention—that the views of the victims should be the primary consideration, even if professionals in and out of the criminal justice system believe some of them are making bad choices or acting contrary to their own best interests. We do recognize that this is counter to the concept of crime as being committed against and prosecuted by the state, not the victim, and we also are well aware of various arguments that have been made to support taking decision making out of the hands of women who are, after all, in crisis. As improvements in victim services and changes in law enforcement and prosecution are implemented, we think it is imperative to continue to question interventions that take decision making away from victims or are unwanted and invasive. These interventions contain the seeds of disempowerment. Note, however, that this does not mean that as a rule less intervention necessarily means empowerment.

A reviewer of an earlier draft of this article commented that a victim is like the rope in a tug-of-war between the offender and the state. This view may be a fair way to conceptualize current policy and practice in domestic violence, and perhaps what we are looking for, in raising the questions we raise in this article, is to find a way of ending the tug-of-war that will also enhance self-determination.

We have raised many more questions than we have answered. Significant questions for future inquiry relate to the conceptualization and measurement of empowerment. As indicated previously, definitions of empowerment tend to be practitioner driven, as if to assume, "If I do this, give her a choice, then she'll be empowered." Is this what individual-level empowerment means? Should it be defined from the perspective of the victim? Is empowerment a feeling or an outcome (e.g., a conviction)? How and when do victims experience empowerment? Is it through alliance with agents who guarantee criminal justice outcomes? Is it

through making the decision to cooperate (or not) with criminal justice officials? Conceptualization of empowerment should lead to the development of measurable indicators.

In this article, we have not given any sense of how prevalent activities of disempowerment are. The fact is that absent clear conceptualization and measurement of empowerment, trying to gauge the extent of unintended disempowerment is futile. However, the issues we have raised suggest that advocacy does not always produce positive results for victims. We hope this will stimulate a more critical examination of advocacy from the perspective of victims and a more thorough understanding of the mix of positive and negative effects produced by advocacy within the framework of empowerment.

NOTES

1. In this article, we use the term *domestic violence* instead of *intimate partner violence*, and we write largely of women victimized in heterosexual relationships. Although we recognize that men as well as women are victims and that violence occurs in both heterosexual and homosexual relationships, the term *empowerment* has its roots in feminism and the battered women's movement.

2. In this article, we do not examine issues of power related to communities (e.g., see Couto, 1998), nor do we examine the broader use of the term *empowerment* as a response to all major social ills from poverty to education (e.g., see Weissberg, 2000).

3. We are using the term *dramatization* in the sense that Tannenbaum used the term *dramatization of evil* in his classic 1938 work *Crime and the Community*, an early statement of labeling theory.

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