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WOMEN'S MOVEMENTS AND STATE POLICY REFORM AIMED AT DOMESTIC VIOLENCE AGAINST WOMEN: *A Comparison of the Consequences of Movement Mobilization in the U.S. and India*

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This article compares the social movement mobilization that led to reforms in police and judicial handling of battering in the United States to the movement ideology, organization, and tactics that resulted in analogous policy reform in the processing of dowry burnings and beatings in India. Using field notes and secondary sources from both countries, the article examines how both movements redefined violence against women in families as a public issue, then looks at how movement demands affected policy reform in each country. The analysis questions the current conceptualization of social movement success. Social movements theory assumes that entry into the polity of liberal, democratic states constitutes success in the sense of social change. Yet the cases analyzed suggest that assumptions about the gender neutrality of state response to movements prevents researchers from critically examining the outcomes of social movement mobilization. Moreover, institutionalization of women's movement demands and organization may diminish the capacity of such movements to control the social construction of domestic violence against women by providing protection without empowerment.

Movements aimed at ending domestic violence against women try to protect individual women while simultaneously attempting to change the conditions that lead to such violence. This dual set of goals highlights the paradox of achieving both reform and lasting structural change in gender

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relations within nation-states based on liberal, democratic traditions in the polity and free-market principles in the economy. While the contradiction between reform and structural change is a problem for a variety of social movements, it is especially pressing for social movement organizations (SMOs) trying to end domestic violence against women because of the widely held ideological assumption that the family constitutes a private location, separate from the polity and economy (Eisenstein 1984; Fraser 1990; MacKinnon 1983; Nicholson 1990).

Since women's movements often seek to recast the relationship between the state and family and to dismantle the myth of separate spheres, their demands for change are not simply demands to enter the existing polity as most mainstream social movements theory would argue regarding SMO demands and success (Gamson 1975; Staggenborg 1989; Tilly 1978; Useem and Zald 1987; Zald and McCarthy 1979). Rather, they tend to question the foundations of the state structure they petition. Such questioning often centers around the ostensibly gender-neutral nature of the state. In this article, I will analyze how the ideology and structure of two specific sex-gender systems shaped social movement mobilization and state response to movements. I analyze the battered women's movement (BWM) in the United States and the anti-dowry-violence movement (ADVM) in India.

SOCIAL MOVEMENT THEORY CONCEPTIONS OF SUCCESS AND ASSUMPTIONS ABOUT GENDER NEUTRALITY OF THE STATE

To understand how success in getting policy reform passed has a contradictory nature, social movements theory must probe more deeply into the meaning of SMO success by recognizing gender as a fundamental basis for social movement organization, for state structure, and, therefore, for state response to social movements. There is little recognition of sex-gender systems (the social organization of gender) in either mainstream social movements theory or in mainstream theories of the state.

Within contemporary social movements theory, movement success is defined in one, or a combination, of the following ways: gaining access to institutionalized channels of political decision making (Costain 1980; Haines 1984; Handler 1978; Staggenborg 1989; Useem and Zald 1987; Zald and McCarthy 1979); influencing targets such as legislatures, courts, media, or regulatory agencies (Burstein 1991; Costain 1980; Freeman 1979; Gamson 1975; Jenkins and Brents 1989; McAdam 1982; Zald and McCarthy 1979); and achieving stated goals (which are often reforms in state policy) (Freeman 1979; Gamson 1975), organizational longevity (Haines 1984; Staggenborg 1989; Zald and Ash Garner 1966), or funding and other forms of organiza-

tional support necessary for professionalization of a mass movement (Jenkins and Eckert 1986; Staggenborg 1988, 1989). None of these definitions examines the meanings of those outcomes for social change as a consequence of SMO mobilization.

Although recent research has begun to examine the impact of SMOs and other political actors on state policy (Jenkins and Brents 1989; Orloff and Skocpol 1984; Quadagno 1990; Quadagno and Meyer 1989; Weir, Orloff, and Skocpol 1988), there is virtually no theorizing nor empirical evidence about how movement success at reforming state policy actually creates changes in the conditions of everyday life for aggrieved people nor about how policy reform leads to change in social institutions (for comments that recognize this hiatus, see Burstein 1991; Gusfield 1981; McAdam 1989; Snyder and Kelly 1979; Zald and McCarthy 1979). Earlier research on routinization of social movements (Messinger 1955; Zald and Ash Garner 1966) and current work on abeyance processes (Taylor 1989) emphasizes how SMO momentum gets stalled by achieving legislative, judicial, or agency reform. But again, this research does not grapple with the problematic relationship between movement mobilization, consequences in the form of policy, and change in individuals' lives or in social institutions because it is concerned primarily with movements as organizations.

Within research on women's movements, and to a lesser extent on the U.S. civil rights movement, we do find some attention to the tenuous connection between movement success, as conventionally defined, and broader social change. Ferree and Hess (1985, 176-77) raise the issue of "failure through success" when "normal," institutionalized political participation is viewed as the key achievement of women's movements. Pleck (1987) and Schechter (1982) show how reforms achieved on behalf of the battered women in the United States in both the 19th and 20th centuries tended to focus on keeping male-headed nuclear families intact or on psychologizing/criminalizing the issue of wife beating (for discussion of this tendency within the social sciences, see Kurz 1989). Similarly, in their study of channeling of radical Black power SMOs, Jenkins and Eckert (1986) find that conventionally successful, professionalized, moderate civil rights SMOs "insofar as they are based on elite patronage are not likely to become unruly or make broad demands" (p. 827). Here movement demands were muted, whereas in the case of women's movements (Ferree and Hess 1985), particularly the battered women's movement (Pleck 1987; Schechter 1982), basic demands appeared to be met by state policy reform, but policy implementation blunted the movement's impact.

If we define women's movement success as having access to institutionalized political decision-making channels or as getting policy reform legislated, we ignore the ways that liberal democratic states themselves are structured by gender inequality (for discussion of the gendered nature of such

states, see Eisenstein 1984; Ferguson 1984; Fraser 1990; Gordon 1990; MacKinnon 1983; Nicholson 1990; Ruggie 1984; Sargent 1981; Young 1981). Simply getting legislation passed or new agencies established may strengthen the capacity of the state to incorporate women's movement demands without addressing the foundations of such demands. Ferguson (1984) explains how the hierarchical, bureaucratic structure of late-capitalist states effectively deadens the impact of women's movement demands: "If (feminist) opposition can be rendered bureaucratic by the powerful, it can be absorbed, integrated and effectively rendered harmless" (p. 180).

She and other feminist political theorists (Eisenstein 1984, 1988; Fraser 1990; Gordon 1990) emphasize how the purportedly neutral nature of the liberal democratic state as a bureaucracy and the apparent objectivity of the law as it applies to the abstract, independent citizen with rights in the polity (Fraser 1990; Pateman 1989) mask the ways in which state policy reinforces gender inequality. One way is by propping up the ideology of the family and personal life as private locations, thus naturalizing the family as a sphere of social life where power does not normally impinge.

Quadagno (1990, 14) reminds us that dominant models of state policy-making within the liberal-democratic state overemphasize class so that they are blinded to the ways in which the state and state policy are organized around gender. This is not to say that state policy reforms are entirely *determined* by gender inequality nor by the state as a patriarchy (Bush 1986). Ruggie (1984, 24-25) contends that neither the assumptions of some theorists that the state has little freedom to act due to patriarchy nor the idea that the state has complete autonomy à la pluralism (see Domhoff 1990; Eisenstein 1984, 1988, for review) or statecentric theory (Orloff and Skocpol 1984) appear to be accurate regarding family policy and women's demands. Rather, as Ruggie (1984) has implied and Eisenstein (1984) has explicitly argued, the idea of the relative autonomy of the state (originally conceived of as relative autonomy of the state from the capitalist class by Poulantzas 1973; see also Block 1977; Domhoff 1990; Jenkins and Brents 1989) can be fruitfully expanded to conceive of liberal democratic states as relatively autonomous from patriarchal power produced by a sex-gender system (see also Bush 1986).

Policy implementation takes places in state bureaucracies that are relatively autonomous from the sex-gender system. On the one hand, patriarchal power within the liberal democratic state is not so dominant that women's demands remain excluded from institutionalized channels. On the other hand, the liberal democratic state is structured by the ideology that family and personal life are not characterized by gendered power relations or any power relations for that matter. Thus state intervention is legitimate only in the case of deviant families and then only to strengthen "the family."

These insights from feminist theories of the state can be specified and built on by an observation of Orloff and Skocpol's (1984): "If a given state structure provides no existing (or readily creatable) capacities for implementing a line of action, government officials are not likely to pursue it" (p. 730). Thus we may speculate that if the only available state bureaucracies are those of criminal justice or mental health, neither of which recognizes gender as a structure of power, then SMO demands that emphasize the link between gender inequality in the family and gender inequality in the state are likely to get redefined in policy-making and/or in policy implementation. In particular, such demands will probably get redefined so they may be dealt with as crime or mental health problems rather than as issues of gender inequality.

Thus the sex-gender system encoded in both the ideology and organizational structure of the state may be able to absorb women's movement demands by providing special protection for women in the context of the criminal justice system and/or mental health system. Protection measures may formally, bureaucratically meet SMO demands without facilitating empowerment for individual women nor producing social change in the structure within and between family, state, and economy as institutions. To explore these processes, I examine two countries that are similar in the demands made and policy reforms achieved by women's movements, yet quite distinct in their cultures and in the specifics of the social organization of gender.

COMPARATIVE ANALYTICAL APPROACH AND DATA SOURCES

India and the United States provide both clear contrasts and striking parallels in their sex-gender systems and in the history of women's movements against domestic violence. Thus, using these cases allowed me to use elements of both the method of similarity and the method of difference (Lipjhart 1971; Skocpol 1979). The dominant family structure in the United States is the nuclear family with its gendered power structure. In the Indian joint family, a newly married couple moves in with the husband's parents; thus the joint family consists of at least two generations of adults bound by patrilocality and patrilineal inheritance. Power relations among adults are based on age and gender.¹ Although the husband's father is the undisputed head of the household in the traditional joint family, the husband's mother has direct, potentially complete, power over the daughter-in-law.²

In addition to culturally distinct family structures, the formal relationship between religions, theology, and the state is different as well. Religious tradition may provide cultural bases for women's subordination in the nuclear family in the United States, but religious traditions are not explicitly formalized in family law. Instead, religion and family are said to be private, personal

areas of social life amenable to legal intervention only when criminal law or basic rights of citizens are violated. However, there have been two major classes of people left out of this formula: women and children (see Fraser 1989, 1990; Minow 1990; Pleck 1987). For them, law as a protective mechanism has often meant lack of citizenship and a corresponding lack of power (Pateman 1989; Fraser 1990). However, even the relationship between recognized citizens (i.e., male heads of households) and the state is not entirely secular in the United States. Lipset (1990) shows that Judeo-Christian tradition is more bound into notions of citizenship, and more broadly into civil culture, in the United States than in other Western nations (see also Wills 1991, for an analysis of the importance of religion in American political life). In contrast, Indian personal law formally institutionalizes Hindu, Parsi, Muslim, and Christian religious doctrine in marriage and divorce law applicable to each group. However, unlike the United States, women have equality under the civil constitution in India. The two sets of law in India highlight contradictions in women's status and power (Das and Bush 1987).

The culturally specific forms of family and of family-state relations provide historically distinct bases for women's movement mobilization and for the outcomes of that mobilization. Yet the gender asymmetry of power in societies with political traditions rooted in the liberal, democratic state is common to both countries.³ Liberal democratic states tend to be patriarchal ones in part because of historical tradition and in part because the assumption that individual citizens are, or should be, free to participate unencumbered by particularistic attributes renders invisible the power structures based on race, class, and gender.⁴ Such states encode the idea of family as a separate location in law and practice (Eisenstein 1984; MacKinnon 1983). Even though the structure of families is distinct in India and the United States, it is possible that the ideology of separate spheres and the assumption that the state is gender neutral result in similar constraints on the capacity of women's movements to bring about structural change.

My descriptions of these cases and the subsequent analysis are based on interviews and observations, as well as on secondary sources for both countries. For the United States, my primary sources focus on one shelter and its strategies. Data were gathered from interviews with two successive directors of the shelter and observations of these directors at board meetings from 1983 through 1988. Some interviews were semistructured and conducted twice a year. I observed at meetings once a month throughout the five-year period. In addition, I had more informal conversations with the two directors periodically. The informal conversations occurred more regularly with the second director. In 1987 and 1988, I observed monthly meetings of a domestic violence prevention project that was a coalition of shelter staff from the district attorney's office, personnel from local law enforcement organizations, members of the judiciary, and staff from local social service agencies.

For India, my primary data came from meetings and unstructured interviews in 1988 with five grass-roots activists from two organizations (one in Delhi, one in Bombay) that were primarily mobilized around dowry violence and from one meeting in 1988 with the police commissioner in charge of the Delhi Crimes Against Women unit of the Delhi Police Department. Because of the short time (three weeks) I spent in India, these interviews comprise a much smaller proportion of my data than that for the United States. In that sense, the primary data are not comparable. I supplement these primary data for both countries with a variety of secondary data, as indicated in the following text and notes.

THE EMERGENCE OF THE BWM IN THE UNITED STATES: ATTEMPTS TO EMPOWER WOMEN AND TO REFORM POLICY IN THE CRIMINAL JUSTICE SYSTEM

The BWM emerged within the context of a larger women's movement. In the United States, the second-wave feminist movement focused on how women's oppression within the "private" sphere of the family was the root of women's subordination and thus was not private at all but public and political (Evans 1979; Freeman 1979; Ferree and Hess 1985; Schechter 1982). By arguing that "the personal is political" in the 1960s (Eisenstein 1984; Evans 1979), the women's liberation movement created both the framework and potential strategy for viewing battering as a political issue.

By the early 1970s, the BWM defined battering as the result of the gendered power structure of intimate relationships, not a private problem caused by deviant husbands or unresponsive wives. Rather, ideology that viewed wives as subordinate to husbands, a criminal justice system that ignored the violence and blamed the woman, and the cultural denial of power relations in the family were identified as roots of the violence by the BWM. Many shelters (though not all) emphasized a collective, nonhierarchical model of empowerment as the best strategy for helping individual battered women and for changing the sex-gender system.⁵ Like the early BWM activists, shelter activists with whom I spoke articulated the political basis for violence against women and believed that empowerment of women came from realization of gendered power relations.

In the late 1970s and early 1980s, domestic violence against women became newsworthy and was defined as a social problem, due to the efforts of the BWM (Pleck 1987; Schechter 1982; Tierney 1982). With institutionalization, traditionally hierarchical social service agencies that emphasized service to clients began to contrast with explicitly feminist shelters that emphasized protection and empowerment (Morgan 1981; Schechter 1982; Wermuth 1982). The former were often linked to the helping professions and

governmental funding sources, especially the Law Enforcement Assistance Administration (LEAA) (Bush 1986; Morgan 1981; Schechter 1982; Wermuth 1982). During this period the BWM added a more traditionally political concern to its agenda: concrete policy reforms in the criminal justice system and legislatures.

CONCRETE DEMANDS AND REFORMS: ARREST AND PROSECUTION IN THE UNITED STATES

Court cases marked the first attempts to challenge and change police procedure in the United States. A landmark New York case (*Bruno v. Codd* subnom *Bruno v. McGuire*) brought by feminist activists was settled out of court with the stipulation that police were to treat domestic violence against women as they would any misdemeanor or felony assault (Margery Fields and Laurie Woods were key protagonists—see Fagan 1988; Pleck 1987; Schechter 1982; Taub 1983; Woods 1976).

Both the 1976 litigation and the subsequent demands for mandatory arrest policy in many jurisdictions (Fagan 1988; Sherman and Berk 1984) emanated from the BWM's general strategy of redefining battering as a public issue and placing responsibility on the batterer rather than blaming the woman (Schechter 1982). During the 1980s, many local jurisdictions adopted mandatory arrest policies at the behest of local shelters, sometimes in concert with local women's commissions.⁶ The case I observed directly was an example of the latter kind of coalition.

Yet a number of observers have contended that police in jurisdictions that have mandatory arrest policies do not routinely arrest even when probable cause is present (Fagan 1988; Ferraro 1989; Schechter 1982; cf. Sherman and Berk 1984). Ferraro's (1989) data on police response to battering in a jurisdiction where mandatory arrest is policy show a continued reluctance to intervene in "private" matters, tendency to attribute battering to drugs, alcohol, or lower-class mores, and persistence of the belief in victim precipitation as a justification for not arresting.

The BWM also criticized prosecutors for failing to charge or for dismissing charges against batterers. In many urban jurisdictions, victim assistance advocacy programs were demanded and instituted, often modeled on victim advocate programs for rape. Special divisions within district attorney's offices were a related organizational development. Some of these programs either did not allow the victim to withdraw a complaint (Fagan 1988; Schechter 1982) or defined battering as a crime against the state so that the district attorney could serve as plaintiff. The coalition I observed focused on the latter strategy.

In the jurisdiction I studied, both police and sheriff's department policy emphasized training, arrest, helping the victim get a restraining order, and

following through with the special prosecution unit of the district attorney's office. This response was facilitated by a countywide coalition of criminal justice officials and staff, social services providers, and the local shelter. Called the Domestic Abuse Prevention Project (DAPP) this program's stated objective was to "stop the violence and not to break up the family." Mandatory arrest, victim advocacy and support throughout judicial proceedings, monitoring of the defendant (including no contact with the victim as a provision for bond), and vigorous prosecution were the key elements of this program (DAPP 1988; Neth 1988). Major impetus for the program came from the local shelter director. She enlisted the support of the county sheriff, the police chief, the district attorney, and the mayor; all were strong supporters and became board members for the program. Funding came from the state Victim Assistance Law Enforcement Grants program.

However, media coverage of this program did *not* emphasize *women* as victims, rather "*families* whose lives are fraught with violence" (Neth 1988, italics added) were the focus, and arrest of "*people* who abuse spouses, children, or the elderly" (Getzug 1988, italics added) was important because it would prevent serious injury or death. Project literature mentioned batterers in its statement of purpose: "[Arrest] makes a strong statement to the batterer, the victim, and the community that domestic violence is criminal behavior" (DAPP 1988), but there was no specific reference to gender inequality as a root cause. Thus the policy was enacted, but the BWM's construction of the problem disappeared. Instead, the definition of the problem was criminalized in both media coverage and project literature.

As mandatory arrest and more vigorous prosecution were pursued in many jurisdictions, one demand of the BWM appeared to be enacted in police and judicial policy. Yet Ferraro's (1989) data on mandatory arrest, media coverage of the program I studied (discussed above), and the implementation of that program all suggest short-circuiting in the implementing process. Keeping the family intact continues to be an explicit goal that acts in concert with media interpretations of degendered abuse to mute the BWM construction of the violence as rooted in gender relations in family and society. There are similarities between movement mobilization, and demands and state response to them in India. But there are some key differences as well.

THE ADVM AS AN AUTONOMOUS WOMEN'S ORGANIZATION: DEMANDS FOR LEGISLATIVE, JUDICIAL, AND POLICE REFORM

Like the BWM in the United States, the ADVM in India arose in the context of a "second wave" of the feminist movement (Chafetz and Dworkin

1986; Das 1989; Everett 1979; Liddle and Joshi 1986). During this period, government concern over women's declining status and its impact on national development culminated in a 1974 report by the National Commission on the Status of Women. One concern of the report was wife beating and murder occurring when wives' natal families were unable to meet dowry demands. Wives had died of burns in several cases. Husbands' families argued either that the new wife was unhappy living with her husbands' family and she had committed suicide or that the burnings were kitchen accidents.⁷

The commission hearings and reports galvanized urban middle-class and professional women to organize autonomous women's organizations (AWOs) that were analogous to the women's liberation movement in the United States in ideology and organizational structure (Patel 1986). They rejected both the hierarchical structure and elitist approach of the older women's social welfare organizations (see Caplan 1985, for a discussion of the social welfare organizations as women's groups) and the party-related Mahilas (women's political groups). AWOs emphasized direct action and militancy rather than working through established political channels. According to Patel (1986), AWO members "are convinced that without struggling against the existing patriarchal, class-caste divided society, nothing substantial can be achieved for women" (p. 19).

Although the ideology of AWOs eschewed that of the more established Mahilas, AWO mobilization sometimes occurred in concert with Mahila activities. Often AWOs were established in response to dowry murders. Mahila Dakshata Samiti's 1977 report on dowry murder triggered nationwide protests (Kishwar 1986; Das 1989) and sparked the formation of grass-roots groups in Delhi and Bombay. One of these was a collective that began publishing the feminist magazine *Manushi* in 1979. *Manushi* published detailed accounts of dowry beatings and murders, cataloging police indifference and malfeasance. In a number of cases, the woman's parents attempted to gather evidence to contact the appropriate minister in Parliament. Members of the *Manushi* collective would help the parents to petition police commissioners or ministers, often to no avail. Attempts by families to file writs with the courts were also futile in many cases.

However, in May 1979 the burning death of Tarvinder Kaur brought together activists from a variety of existing women's organizations in Delhi and sparked the formation of new grass-roots organizations. The Delhi papers covered Tarvinder Kaur's case in depth, focusing on her deathbed statement that her in-laws had doused her with kerosene and set her afire. The papers also highlighted the police's registering the case as a suicide. Women and some men demonstrated on June 1 in front of the in-laws' home. The *Times* of India provided coverage of the demonstration, quoting the demonstrator's

demands: "punish the murderers of Tarvindar," "stop burning brides," and "women will not put up with any more atrocities." Later, on June 12, the press and television covered the march to Parliament where the Home Minister was petitioned. Again, placards were quoted or shown with slogans such as "arrest the killers of women," or "women are not for burning." In the wake of the demonstrations and press coverage, on June 26, 1979 the Delhi State Mahila Federation held a public meeting and passed a resolution urging the government to require a postmortem investigation if a woman were to die within seven years of marriage and to construe suicide caused by harassment as murder. This stipulation about postmortems was included in an amendment to the Dowry Prohibition Act of 1961 which was passed by Parliament seven years later (1968).

Demonstrations like those in Delhi began to be organized in Bombay by activists who then established Forum Against Oppression in 1981 (Dave 1988). In 1984, the forum demonstrated in the wake of Vibha Shukla's death. Her husband was convicted of homicide, but the decision was overturned in 1986 (Das 1989; Kishwar and Vanita 1986). Again the forum demonstrated, petitioned the high court, and demanded changes in the Indian Penal Code.

The *Indian Express* covered the case with a story headlined "Crime but No Punishment" (1987). The story retold the details of the death and stated, "It must be pointed out that domestic harassment and violence is [*sic*] most often secretly connived of by the husband and his people within the 'walled privacy' of the home." The article quotes two activists from Forum Against Oppression who state that murder is often passed off as suicide, resulting in a "microscopic" number of husbands convicted.

In both Delhi and Bombay, sympathetic press coverage and police protection of demonstrators contributed to the capacity of the AWOs for continued mobilization. Kishwar (1986, 34-35) argues that the urban AWOs were treated with "kid gloves" by the police, partly because of the extensive press coverage of demonstrations and demands and partly because organizers came from "well-connected" families. Through the use of direct-action tactics and formal petitioning of Parliament and police, the AWOs were able to link violence against wives to dowry as a fundamental feature of the Indian joint family structure and to change police practice and the law itself.

In 1983, Delhi police responded to AWO protest by establishment of a special unit to deal with family violence and dowry disputes. It was called the Delhi Anti-Dowry Cell (renamed the Crimes against Women Cell in 1985). Vanita (1987) contends that the cell was set up by the police commissioner in the wake of "protests organized by women's groups in urban areas, many of which indicted the police for colluding with wife batterers and murderers, and demands voiced in the press that the government take action

against dowry" (p. 12). According to the current commissioner with whom I spoke in 1988, the majority of crimes reported to the cell are related to marital violence.

However, Vanita's (1987) analysis of the Delhi Crimes Against Women Cell illustrates how dominant ideology contributed to short-circuiting of this reform (see Lukes 1974, for general discussion of short-circuiting). She highlights the issue of the continued construction of violence against women as a private, familial affair in India. Inspectors in the cell assume that the family must be kept together at all costs. Moreover, she observed that inspectors treated women complainants as they would daughters, using "parental tones" (Vanita 1987, 13). Another assumption that permeates inspectors' interactions with complainants is that the woman must have "done something" to be beaten. These findings are remarkably similar to Ferraro's (1989) findings (discussed above) about officers in the United States who fail to arrest, even though they are mandated to.

The commissioner in charge of the crimes-against-women unit with whom I spoke in 1988, argued that police vigorously enforce the law, but that very few cases are bona fide dowry violence. She contended that most deaths were suicides. Her predecessor suggested that women who petitioned the cell really did not consider their husbands to have committed a crime. Rather they wanted the police to warn him and admonish him, but "not to lock him up" (quoted in Vanita 1987, 13). My interviews with AWO activists painted a very different picture. When I spoke with her in 1988, Subhadra Butalia, the founder of Karmika (an AWO organized in Delhi in 1979 in response to dowry burnings) asserted that the problem with the Delhi Crimes Against Women Cell was that police were not proactive in violence cases. Because they retained the vision of the family interests as identical with the woman's they failed to follow through on aspects of the case that would contradict their assumptions about families. The outcome was that relatively few dowry violence cases were identified as such.

The AWOs construction of dowry violence as a social problem seemed successfully to link the powerless position of a new wife to her victimization. Demands on police and parliament focused on reform that specifically addressed the subordinate position of women in the family, while simultaneously criminalizing behaviors by husbands and in-laws that had once been viewed as "private troubles." Yet both my interviews with activists and the police commissioner, as well as Vanita's (1987) analysis, suggest that violence against women continues to be minimized in the interests of "the family." Assumptions about women's duty to their families and, thus, their responsibility for beatings and even murder appear to underlie the interaction of many police investigators with the victim's family.

THE IMPACT OF WOMEN'S MOVEMENT DEMANDS AND STRATEGY ON POLICY REFORM AND IMPLEMENTATION

Public recognition of domestic violence against women as a social problem in both countries paved the way for further movement demands. Initially, the BWM and ADVDM attempted to challenge the hegemonic ideology that the family was a private sphere, not subject to state interests or action, and that the state had no interest in the family. These movements also challenged the notion that women's interests were identical with "family interests." In both countries, SMOs began to focus on changing police practices as a concrete way to help women survivors and prevent further violence. Both sets of movements were able to get reform enacted that criminalized domestic violence against women.

Yet criminalization does not necessarily locate the root of the problem in gender inequality in the family and in the polity. One reason for this is that criminalization removes control of the definition of the "problem" from women's movements. This process took different forms in the two countries. In the United States many shelters became components of the criminal justice-mental health nexus. In the case I studied, as well as those examined by others (Ferraro 1989; Morgan 1981; Pleck 1987; Schechter 1982), the battering "problem" was reconstructed by the press, criminal justice professionals, mental health professionals, and social scientists as "domestic violence" with no reference to the context of unequal power relations cited by the BWM (see also Kurz 1989). When men *are* pinpointed as perpetrators, alcohol, drugs, stress, or failure to learn nonviolent coping mechanisms are cited as the cause of violence (observations and interviews; Gelles and Straus 1989; see Kurz 1989 for commentary). Police intervention in "dysfunctional" families is justified as a way of dealing with "problem people" or the unfortunate outcomes of "inappropriate" "sex-role" socialization, not gender inequalities.

Thus the original emphasis of the BWM on empowerment of women by shifting responsibility for violence from the woman to the perpetrator and locating his actions in a patriarchal power structure was lost as many shelters and their goals became institutionalized. Studies of the antirape movement find a similar process: as rape crisis counseling has become institutionalized, the explicitly feminist definition of the problem is less apparent (Andersen and Renzetti 1980; Holmstrom and Burgess 1983). As Schechter (1982) states "the definition of the [battering] problem did not always stay within the movement's [BWM's] grasp" (p. 312). In place of the BWM's definition of the violence, a medicalized (Kurz 1989), criminalized, or psychologized version has become the dominant definition (Morgan 1981).

My observations of the community "domestic abuse" coalition (described above) suggest another ideological mechanism that leads some shelters to lose control of the definition of battering once demands have been institutionalized. Many discussions touched on gendered relations of power, but the group focused on a more diluted public message of awareness of "domestic violence" or "relationship abuse" and treatment by the appropriate agency, including criminal justice processing. The group did discuss education, particularly elementary and middle school curricula as a way of changing entrenched "sex-role attitudes." The gendered structure of power in nuclear families was de-emphasized, although the plight of victims was treated sympathetically and respectfully. Public discussion of men's power in the nuclear family and in the economy/polity is politically risky for a coalition with diverse political views and a variety of theories about violence toward women. The possibility of within-group conflict and external right-wing backlash contributed to the degendering of policy initiatives and of public messages.⁸

The ADVM has been somewhat more successful than the BWM in retaining control over the social construction of the problem in the media, but not in the police practice. Movement ideology and tactics reported in the media continue to emphasize how the structure of the joint family and dowry oppress women. Continued press coverage highlights women's subordination within the family and culture more generally.⁹

However, even though the press and some opinion makers have responded to the ADVM by recognizing the roots of women's subordination in family structure, there are still attempts to deflect attention away from concerns about gender, power, and family structure. Like attempts in the United States to locate causes of battering in individual stresses caused by broader social changes such as employment or women's increased labor force participation, there have been attempts to isolate Westernization and upward social mobility, rather than gender inequality, as root causes of dowry violence. Several activists with whom I spoke cited the necessity to integrate the Westernization argument into an analysis that accounts for the interplay of gender, class, and caste. Such an analysis has a legacy in AWO ideology (cited above) about the futility of attacking women's subordination on the basis of gender as an isolated social category (see also Liddle and Joshi 1986).

Although both the BWM and the ADVM were successful in getting domestic violence against women publicly defined as a social problem, the actual content of these social constructions was not necessarily the feminist analysis developed by these movements. The capacity of each movement to retain control over public definition of the problem was based in part on the shape of patriarchy in the family and in the state.

Thus the institutionalization (Mauss 1975; Staggenborg 1988; Zald and Ash Garner 1966) of the two movements took analogous forms. The ADVN and BWN arrived at roughly parallel demands via distinctly different organization routes, yet state response to demands evidenced remarkably similar outcomes.

WOMEN'S MOVEMENT SUCCESS AND THE HEGEMONY OF SEX-GENDER SYSTEMS: IMPLEMENTATION OF POLICY REFORM

According to widely used conceptions of social movement success (Gamson 1975; Jenkins and Brents 1989; Staggenborg 1988; see discussion above), the BWN and the ADVN have been successful. Each has gained legitimacy and influence and has brought policy reforms into being. But if we take only these outcomes as our measures of the success of social movement organizations, we get a partial picture of how SMO mobilization affects policy reform and how policy reform is related to social change. My examination of these two cases reveals structural constraints on movements and social change that are not immediately obvious when we use simply the passage of policy reform as our definition of success. In particular, for women's movements, policy reform may embody existing sex-gender systems by regulating women to a status warranting "protection." In a liberal democratic state, this outcome means that women are redefined as something less than a "free citizen." Thus gender inequality may be strengthened by an apparent SMO "success."

Taub (1983) explains the contradiction involved in protective treatment as coming from "the particular vulnerability of domestic violence victims and the past failure to take domestic violence seriously." She writes, "certainly identifying and treating women's need has historically meant worse treatment for women. Further, *creating special rules to apply in a special, private sphere reinforces the notion that a special, private sphere does and should exist*" (p. 65, italics added). Protective policy reinforces the idea that family violence against women is a private matter. The notion that women need to be protected by men in the form of the criminal justice system strengthens traditional gendered relations of power. While protective policies such as mandatory arrest and prosecution have improved conditions for individual survivors of battering, these policies as implemented appear to do little to question the structure of power in the family. It is not the structure of power in families that is targeted by the policy reforms I examined; rather, individual husbands' (or husbands' natal family's) attitudes and behaviors are defined as criminal or maladjusted. Their maladjustment or criminality

are seen as threats to stable family life. The individual is viewed as the problem, not fundamental gender asymmetry in families. If the family is seen as a root of the violence, it is because the family is "dysfunctional," not "normal."

Another way that the relationship between the state and family shapes movement strategies and reproduces the sex-gender system is illustrated by the failure of ADVDM demands and those of other AWOs for a uniform civil code in India. Although women are equal under the constitution, provisions of personal law render that equality a moot point with regard to many family matters. In addition to the direct impact on marriage and divorce (Das and Bush 1987), personal law reinforces the idea and structure of the family as private and separate from the state. The effect is analogous to that of family courts in the United States (see Pleck 1987) and to many mandatory arrest and special prosecution programs in the United States. Not only is the vision of the family as separate and private emphasized, but concrete decisions "for the family" are more often than not injurious to women. Keeping "the family" intact is often the explicit goal as seen in analysis of the Delhi Crimes Against Women Cell. In both countries, the sex-gender system is encoded in police and judicial practice by the persistence of the assumption that women's interests are family interests and vice versa.

CONCLUSION

Although the historically specific form and content of gender inequality vary cross-culturally, largely because of differences in family structure, women continue to be subordinate in families in liberal democratic states such as the United States and India. This similarity and women's recognition of this gender asymmetry of power appear to lead urban women's movements against domestic violence to make similar demands even though tactics may differ. These demands tend to be based on dual, contradictory goals: protection and empowerment. Tactics tend to be more culturally distinct.

The capacity of these movements to sustain their construction of the violence as a social problem requiring *both* protection and empowerment of women diminishes when the reforms are enacted. Implementation falls under the aegis of the criminal justice system, which is historically and bureaucratically oriented around dealing with individual deviance. The goal of protection fits closely with the goals and organizational structure of criminal justice systems and, more broadly, the liberal, democratic state. The idea of protection is severed from empowerment in part because organizational definitions of protection mesh with the idea of stable family life in harmony with, yet

separate from, a democratic state. Legal protection may be accomplished without questioning fundamental power relations of all families, only *dysfunctional* ones.

Classical liberal theories of the state (see Domhoff 1990; Eisenstein 1984; 1989; Lukes 1974, for summaries) and more contemporary conceptions of justice in the democratic state (Rawls 1971; see also Wolfe 1989 for critique of Rawlsian theory) envision the state as protecting individual, independent citizens so that they are free (for various categories, see Eisenstein 1988; MacKinnon 1983; Minow 1990, Nicholson 1990; Pateman 1989). However, theories of power based on this notion of the state, like the civic culture of such states, obscure the ways that gender organizes power within the state and the family as well as between them. Women's position in the family is a subordinate one, in part because women do not have equal rights or power in the polity. Women's position in the polity is a subordinate one, in part because liberal democratic states do not explicitly recognize women's subordination in the family as political.

This entire process is not adequately conceptualized in the usual definitions of success in social movements theory. By defining "success" as enactment of state reforms or institutionalization of movement organizations, social movement theory fails to recognize how gender shapes power in families and states. Because women's movements against violence question the structure of these institutions, both the construction of the violence as a social problem and the implementation of reform operate in ways that traditional theory cannot explain. If we define "success" as influencing policies in a liberal democratic state, then both the BWM and ADVN are successful. Such definitions of success fail to see the state as a social structure fundamentally shaped by gender, rather than the gender-neutral terrain envisioned by mainstream theories of the state.

We need to understand how the implementation of policies demanded by women's movements and social movements generally are shaped by state response. States do respond to women's movements, but that response is short-circuited by ideology about families as private places where love, not power, organizes interaction, and by ideology about women's place in families, the polity and economy. Moreover, the bureaucratic structure of the liberal democratic state means that state response to women's movement demands criminalizes violence against women without recognizing that such violence is rooted in unequal gender relations. Thus protection for women means loss of the status of independent citizen for individual women and loss of control over the social definition of the problem and of policy to solve it for women's movement organizations. We need more research on the entire policy reform process if we are to understand the capacity of women's movement demands and strategies for bringing about enduring social change.

NOTES

1. Yet there is evidence of a "new" joint family in which the daughter-in-law works for pay full-time and the mother-in-law cares for the children (Liddle and Joshi 1986). Like the image of the "equal sharing partnership" in American nuclear families, the "new" joint family appears to characterize a small proportion of Indian families and is primarily a phenomenon of upper-middle-class professional families.

2. Stacey (1983) and Kandiyoti (1988) discuss the mother-in-law's power in the joint family as part of a bargain with patriarchy: younger women realize that someday they, too, may wield power within the joint family.

3. In both countries, the state is a liberal, democratic one in ideology and formal structure, thus equal rights for citizens and fair treatment by the state tend to be emphasized in the polity. Equality under the law for women was a provision of the first Indian constitution. However, personal law takes precedence in divorce proceedings. Women in the United States still do not have equal rights under the constitution, although there are several provisions for equal pay at the federal level. As in all countries with democratic states, women's formal economic rights do not spell equality in the workplace. In both countries, the wage gap and sex segregation of occupations are outcomes of patriarchal, capitalist social organization. Nonetheless, highly educated, often younger, women in both countries have been able to make some gains in the professions.

4. Most discussions of capitalism and patriarchy, regardless of how definitions of each and relations between them are conceived (for examples of debates on "capitalism" and "patriarchy" see Eisenstein 1984; MacKinnon 1983; Young 1981), assume that "society" means Western, industrialized nations and that "the state" refers to these nation-states. The theoretical elaborations of patriarchy and capitalism that emphasize the Third World, especially India, focus on rural women's lives or on how global capitalism has affected poor women and their capacity to organize in specific industries (Kandiyoti 1988; Mies 1986; Omvedt 1980).

5. As with the somewhat earlier antirape movement (for a history of this movement see Andersen and Renzetti 1980; Holmstrom and Burgess 1983; for a discussion of its relationship to the BWM see Pleck 1987; Schechter 1982), the BWM emerged out of consciousness raising sessions in the early 1970s. The self-help model that had informed the antirape and women's health movements provided the impetus for shelters.

6. Demands for judicial reform have emphasized provision of protection orders (restraining orders or temporary injunctions), sentencing for violation of protection orders, vigorous prosecution for assault, and sentencing for assault that recognizes the seriousness of the crime (for a full discussion of various demands, see Fagan 1988; Schechter 1982; Taub 1983). In the jurisdiction I studied, the use of restraining orders became routine procedure in 1985 (Fort Collins Commission on the Status of Women 1985). With the creation of a special unit in the district attorney's office in 1987, vigorous prosecution became an organizational goal.

7. Kerosene stoves are commonly used in Indian households, including those of upper-middle-class professionals.

8. Some members of the shelter organization were concerned about looking "too feminist," thus tarnishing the image of the organization.

9. Likewise the director of the National Institute of Mental Health and Neuro Sciences with whom I spoke, contended that Indian tradition, including mythology, theology, philosophy, the Indian joint family structure, and child-rearing practices all "work against women; the male child is privileged from birth" (Prabha 1988). He stressed that even among professionals, the belief that girls are a liability remains strong. His remarks suggest that within the ranks of opinion makers in Indian society subordination of women is clearly recognized as rooted in the family by some members of the elite who are not women's movement activists. Yet other professionals of whom he spoke retained traditional visions of women's subordinate position as legitimate.

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